

Agricultural Land Reserve Historical Binder On the Agricultural Land Reserve 1973

Compiled by: Lesley Campbell, Records
1995

Source: Jim Ploknikoff, Director of Planning

Reviewed by: Jim Ploknikoff, Director of Planning

VISIT...

LANZAROTE
Caliente.COM

File 1992.
Feb 6/92.

HISTORICAL OVERVIEW OF LEGISLATIVE CHANGES/PROPOSALS

- 1973 -original Act passed
- 1976/77 -amendments to Act passed - input directly from Minister
major changes -focus of Act on agriculture
-11(2) power of Lieutenant-Governor in Council to allow uses without exclusion
-13(2) appeal to Minister
-restrictive covenants
-Section 34 enforcement measures
- 1979 -standard 10 year statute revisions - no legislative change
- 1981-84 -discussions with Minister regarding changes
-various proposals
-final cabinet submission and draft legislation prepared
- Fall 1984 -Cabinet decided not to proceed with any policy changes
-Regulatory Reform Committee established and prepared to consider minor housekeeping changes
- Spring 1985 -finalization of details on housekeeping changes
- Summer or Fall 1985 -no action - Regulatory Reform Committee derailed - nothing was going
- Fall of 1986 -Ministry makes suggestion for minor changes regarding fees and revenue as part of regular legislative review process
-Committee says OK but asks for a full review of legislation
- Winter/Spring 1987 -Premier proposes "Decentralization theme" January conference / June 18 meeting
-review of legislation targeted for fall

WHO DID WHAT

WHO DID WHAT LIST (ALR Review)

REGIONAL DISTRICTS

Corporate Name as per Letters Patent (Designation)

1. Regional District of Alberni-Clayoquot
2. Regional District of Bulkley-Nechako
3. Capital Regional District
4. Cariboo Regional District
5. Central Fraser Valley Regional District
6. Regional District of Central Kootenay
7. Regional District of Central Okanagan
8. Regional District of Columbia Shuswap
9. Regional District of Comox Strathcona
10. Regional District of Cowichan Valley
11. Regional District of Dewdney Alouette
12. Regional District of East Kootenay
13. Regional District of Fraser Cheam
14. Regional District of Fraser-Fort George
15. Greater Vancouver Regional District
16. Regional District of Kitimat Stikine
17. Regional District of Kootenay Boundary
18. Regional District of Mount Waddington
19. Regional District of Nanaimo
20. Regional District of North Okanagan
21. Ocean Falls Regional District
22. Regional District of Okanagan Similkameen
23. Peace River-Liard Regional District
24. Powell River Regional District
25. Skeena-Queen Charlotte Regional District
26. Squamish Lillooet Regional District
27. Sunshine Coast Regional District
28. Thompson Nicola Regional District

Jerry Lewis
Joan Samicki
Jerry
Mark Walmsley
Jerry
Joan
Jerry
Roxy Beale/Kourne
Jerry
Jerry
Jerry
Jerry
Roxy
Jerry
Joan
Jerry

Mark
Jerry
Jerry
Jerry
Jerry
Jerry
Joan
Joan
Jerry
Mark

Questions regarding
 Reviews
 done by Mark
 or Roxi can be
 directed to JHS
 then TL if
 necessary

REGIONAL DISTRICTS

Corporate Name as per Letters Patent

Commission Resolution & Date

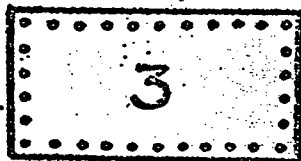
O-I-C- & Date

OIC#

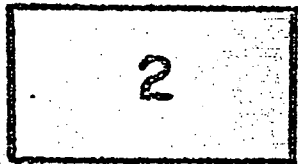
A	1.	Regional District of Alberni-Clayoquot	173/74	April 18, 1974	1246	April 9, 1974
B	2.	Regional District of Bulkley-Nechako	193/75	January 17, 1975	471	February 6, 1975
C	3.	Capital Regional District	181/74	June 27, 1974	2125	June 28, 1974
D	4.	Cariboo Regional District	190/74	November 29, 1974	3744	November 22, 1974
U	5.	Central Coast Regional District	194/75	January 17, 1975	132	January 16, 1975
E	6.	Central Fraser Valley Regional District	175/74	April 24, 1974	1244	April 9, 1974
F	7.	Regional District of Central Kootenay	189/74	September 27, 1974	3076	September 27, 1974
G	8.	Regional District of Central Okanagan	183/74	July 24, 1974	2413	May 16, 1974
H	9.	Regional District of Columbia Shuswap	187/74	September 3, 1974	2856	August 30, 1974
I	10.	Regional District of Comox Strathcona	177/74	May 21, 1974	1645	May 16, 1974
J	11.	Regional District of Cowichan Valley	176/74	May 21, 1974	1646	May 16, 1974
K	12.	Dewdney Alouette Regional District	174/74	April 24, 1974	1245	April 9, 1974
L	13.	Regional District of East Kootenay	196/75	April 17, 1975	1838	May 29, 1975
M	14.	Regional District of Fraser Cheam	185/74	August 26, 1974	2790	August 22, 1974
N	15.	Regional District of Fraser-Fort George	184/74	August 19, 1974	2673	August 15, 1974
O	16.	Greater Vancouver Regional District	179/74	June 12, 1974	1936	June 12, 1974
P	17.	Regional District of Kitimat Stikine	191/74	November 29, 1974	3634	November 14, 1974
Q	18.	Regional District of Kootenay Boundary	188/74	September 27, 1974	3075	September 27, 1974
R	19.	Regional District of Mount Waddington	197/76	December 21, 1976	3593	December 9, 1976
S	20.	Regional District of Nanaimo	182/74	July 5, 1974	2124	June 28, 1974
T	21.	Regional District of North Okanagan	171/74	March 15, 1974	900	March 14, 1974
V	22.	Regional District of Okanagan Similkameen	170/74	February 13, 1974	181	January 17, 1974
W	23.	Peace River-Liard Regional District	180/74	June 21, 1974	1984	June 18, 1974
X	24.	Powell River Regional District	192/74	November 29, 1974	3743	November 22, 1974
Y	25.	Skeena-Queen Charlotte Regional District	195/75	February 13, 1975	470	February 6, 1975
YY	26.	Squamish Lillooet Regional District	178/74	May 21, 1974	1647	May 16, 1974
Z	27.	Sunshine Coast Regional District	172/74	April 3, 1974	1139	April 3, 1974
ZZ	28.	Thompson Nicola Regional District	186/74	August 30, 1974	2857	August 30, 1974

OVERLAYS FOR AGRICULTURAL LAND RESERVE PLANS

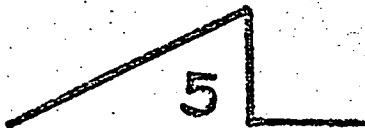
Legend



Recommended additions to the
Agricultural Land Reserve.



Recommended deletions from the
Agricultural Land Reserve.



Recommended adjustment to the
Agricultural Land Reserve boundary.

N.B. Changes that are shown without numbers on the base plan
(A), are shown in more detail on the constituent plans.

MEMORANDUM

Staff

FROM

Commissioner Rawson

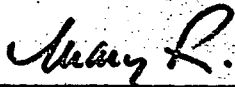
5 November 1975

SUBJECT

OUR FILE

YOUR FILE

I had prepared the attached summary of the history and "structure" of the Commission mainly for the information of Commissioner Knoerr. It occurred to me though that staff, especially the newer members, may find it of interest too. If any of you have any questions about this summary or about what we've done so far, I would be happy to answer them.



Mary Rawson

MR/pr

Enc.

B. C. LAND COMMISSION

Short Summary of History and Structure

"The Freeze"

21 Dec 72 O-i-C 4483 No subdivision of land taxed as farmland.
16 Jan 73 O-i-C 157 Add, no use changes of land zoned agriculture;
or land of CLI capability classes 1,2,3 and 4.

"Bill 42"

22 Feb 73 Bill to establish a Land Commission introduced.
16 Apr 73 Final reading.

The Commission appointed

19 May 73 O-i-C 1662 Five people named as Members of the Land Commission.

E. E. Barsby	V. C. Brink	W. T. Lane	A. R. Garrish	Mary Rawson
--------------	-------------	------------	---------------	-------------

(W. T. Lane named as Chairman by same O-i-C)

Commission starts operations

9/10 June 1973 First meeting of full Commission ("Study Meeting") held in
Saanich. Orientation to objects and powers of the Act, explor-
ing personal philosophies, developing consensus on long-range
Commission objectives, discussion on explicit and implicit staff
requirements (p. 5 attached).

11 June Commissioners begin travel over seven week period to 24 of 28
Regional Districts; meet with Boards and staff in each area;
explain the objectives and powers of the Act; develop and clarify
Commission policy.

3 July O-i-C 2257 Sections 8, 9, 10, 11, 12 and 16 of the Act are
"activated", requiring preparation of ALR plans in 90 days.

15 July Open office at 4259 Canada Way, Burnaby

Staffing begins

1 Aug 73 0-i-C 2570 G. Gary Runka appointed as General Manager of Commission.

17/18 Aug General meeting. (Villa Hotel, Burnaby). Establish Commissioner roles. Initiation of action and research projects. Meet with General Manager to discuss financial, administrative and personnel policies.

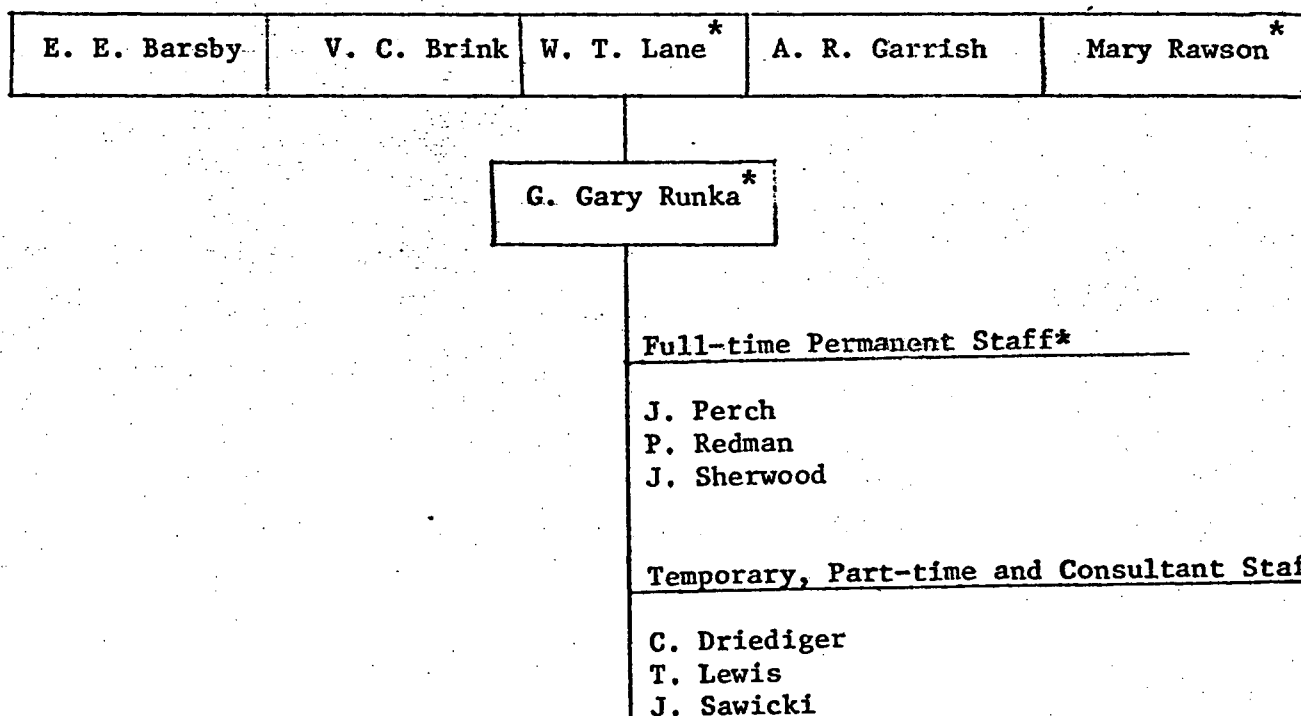
16/17 Sep General Meeting. Policy questions on Greenbelt purchases. Meet with Crerar to establish firm relationship with ELUC Secretariat. First gift offered (Morell at Nanaimo)

27 Sep First ALR Plan received by Commission (Okanagan Similkameen).

10 Oct Commissioners meet with Environment and Land Use Committee of Cabinet.

25 Oct 0-i-C 3539 0-i-C appeals turned over by ELUC to Land Commission.

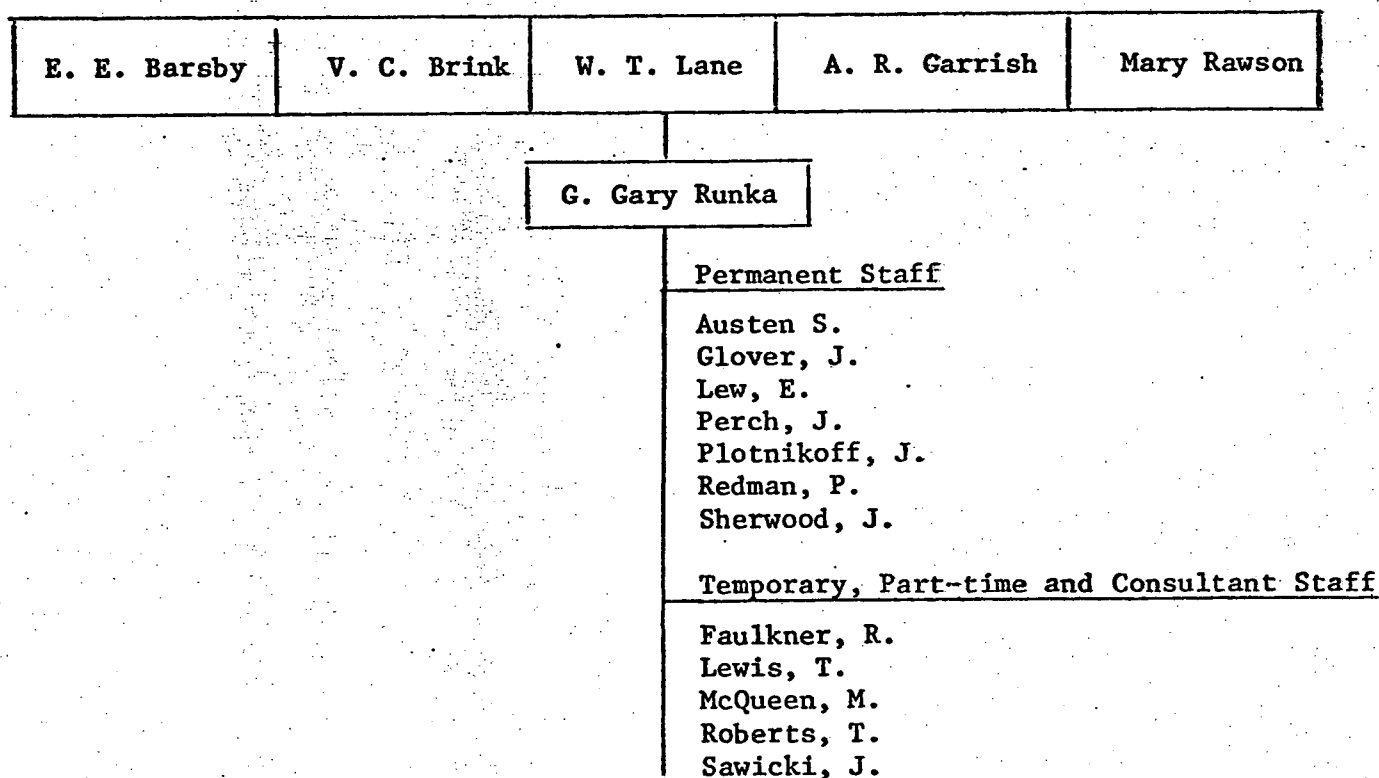
Structure at end October 1973



Review and designation of Agricultural Land Reserves

- 15 Nov 73 Start weekly quorum to deal with O-i-C appeals
- 3/4/5 Jan 74 Second "Study Meeting" (Parksville). Retreat for review and policy development.
- 13 Feb 74 Designation of first A. L. R. (Okangan Similkameen)
- 27 June 74 Designation of twelfth Regional District ALR. Fourteen others reviewed by Commission and awaiting Cabinet approval.

Structure at end June 1974



- 24 Jul 74 Begin second series of visits to Regional Districts
- 30 Oct-3 Nov Third Study Meeting (Quilchena)
- 20 Nov 74 First annual report deposited in Legislature
- Dec 74 First major set of quarterly hearings on appeals for exclusion

Enlargement of Commission and Staff

Jan 75 Two weeks of overflow appeals from December quarterly session
23 Apr 75 W.T. Lane announces resignation from Land Commission effective 9 June 1975
5 June 75 O-i-C 1951 G. G. Runka "appointment of a temporary nature" as a member of the Land Commission and designated Chairman
24 Jul 75 O-i-C 2445 G. G. Runka confirmed as member and Chairman to replace W. T. Lane
9 Oct 75 O-i-C 3176 Don Knoerr appointed as sixth member of Commission

Structure at end October 1975

Barsby	Brink	Garrish	Runka	Knoerr	Rawson
--------	-------	---------	-------	--------	--------

(advertised) General Manager

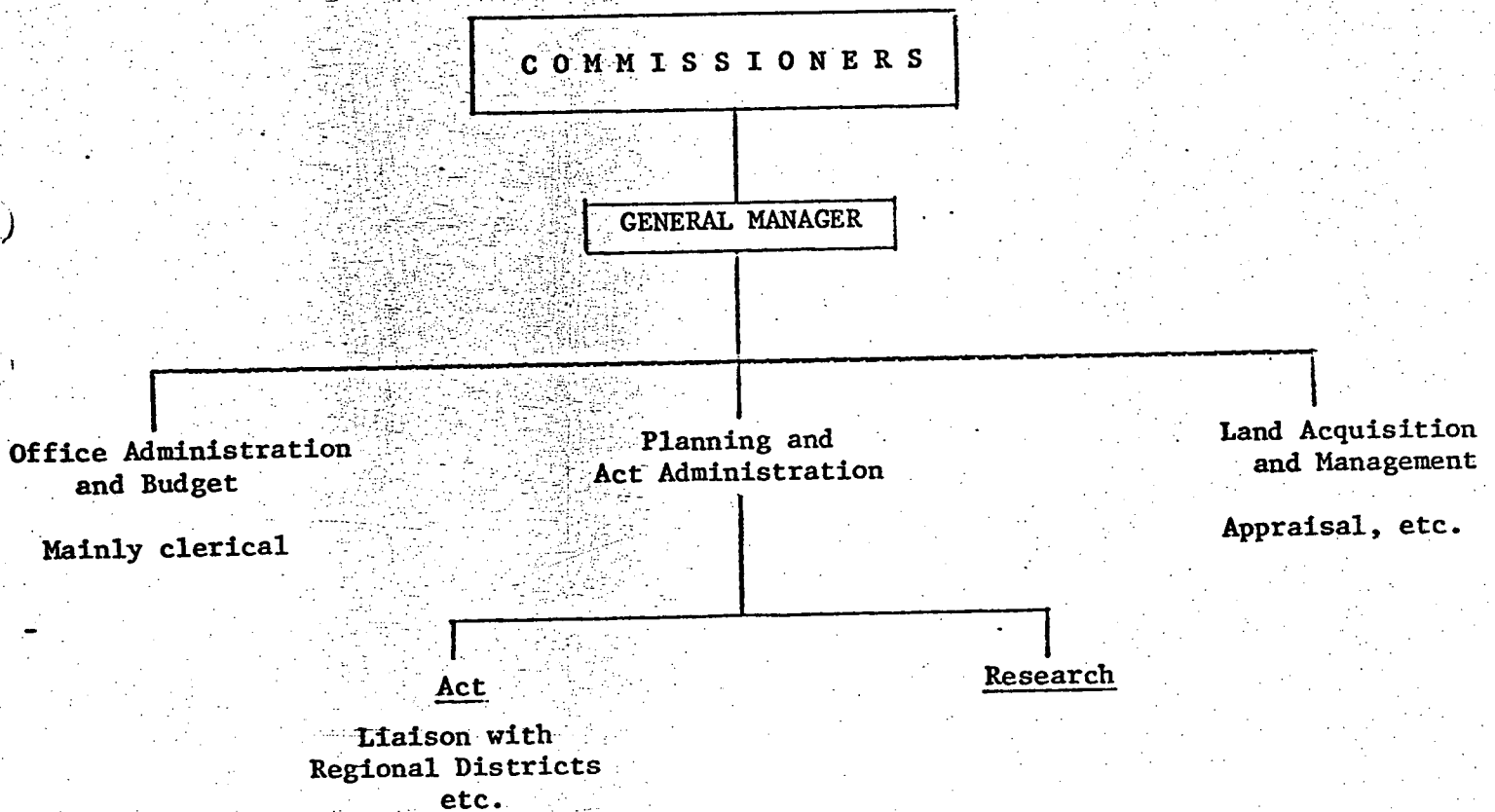
Permanent Staff

Austen, S.
Brightman, S.
Glover, J.
Jankovich, D.
Langston, R.
Lew, E.
Perch, J.
Plotnikoff, J.
Redman, P.
Sherwood, J.
Tycho, S.
Thomson, A.

Temporary, Part-time and Consultant Staff

Atamanenko, G.
Crawshay, P.
Gram, G.
Holisko, G.
Hooson, V.
Johnson, K.
Lewis, T.
Munn, E.
Sawicki, J.

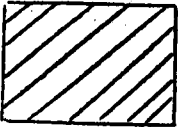
Intended Structure (after a period of shakedown)



JUNE 1973

As Commissioners Envisaged
Staff to develop.....
.....in time

June, 1973



Proposed Agriculture Reserve

Criteria used are as follows:

- (1) All land capability for agriculture classes 1-4 included except where they comprise small units within present subdivisions, or where they are units with components of Classes 5, 6 and 7 which makes commercial agricultural use difficult. In ranching areas where grazing lands are an integral part of the beef production units Class 5 and 6 lands capable of use for spring and fall grazing were included in the reserve.
- (2) Proposed reserve boundaries are soil-climate oriented and do not usually follow legal lot boundaries.
- (3) Small isolated pockets were most often not placed in the reserve although in some instances where numerous pockets of Class 1-4 existed in large units of dominantly 5 or 6 they were included in the proposed reserve, especially in areas with excellent climates.
- (4) Some Class 5 lands were included where they were in close association with Classes 1-4 and most often formed parts of production units. Often these were Class 5 because of high water tables, or flooding hazard and not particularly suitable for other uses (especially urban).
- (5) These map units were checked and generally agreed to by B.C.D.A. agriculture representatives. General viability and suitability in terms of various agricultural uses were considered.



- existing subdivisions (mainly 2 acres or less).

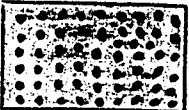


- If urban expansion is necessary (residential, industrial, commercial)
- (a) fill in existing subdivisions to encompass as little high capability agriculture land as possible and to project expansion or urban areas in the direction of least ecological hazard. Regional plans should consider the need for green belts (including small pockets of agriculture, parks, etc. in these map units).

- (b) expand on lands with ecological characteristics most suitable for urban expansion. Characteristics considered are general soil and climate, soil stability, bearing strength, compressibility, presence or absence of high water tables, flooding hazard and land capability for agriculture.



Agriculture reserve mixed with frequent urban pockets. Good agricultural land intermixed with urban development. Areas require more detailed definition on a regional basis.



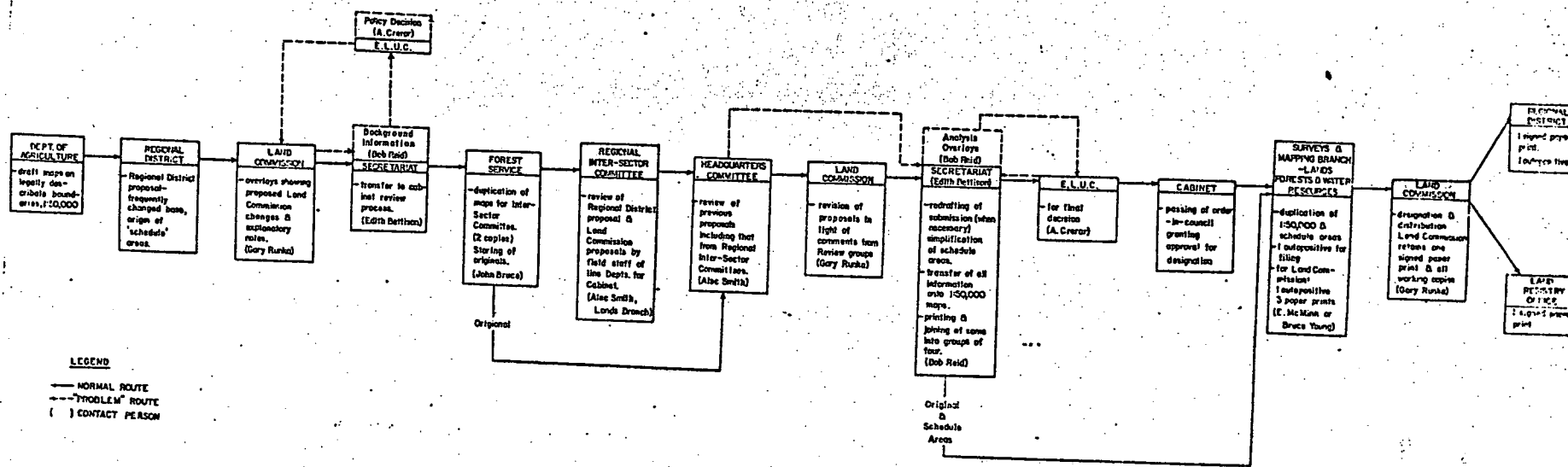
Suggested conservation areas closely associated with agriculture reserves.

- includes such things as prime wildlife winter range, waterfowl habitat, shoreland recreation areas, existing parks, lands suitable for local parks, viewpoints, unstable soils not suitable for urban or agricultural use.

V

Gary. 1

ROUTING OF AGRICULTURAL LAND RESERVE PLANS



ORDERS

RECEIVED
25 APR 1974
EXECUTIVE COUNCIL CHAMBERS, VICTORIA

1418

APPROVED AND ORDERED 25 APR 1974

[Signature]

Lieutenant-Governor

[Signature]

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 25 APR 1974

Pursuant to the Land Commission Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that the following regulation be made.

ADMINISTRATION OF CROWN LAND DESIGNATED AS AN AGRICULTURAL LAND RESERVE

Crown land designated as an agricultural land reserve pursuant to Sections 7 and 8 of the Land Commission Act, shall be administered, managed and controlled pursuant to provisions of the Land Act, disposed of only in accordance with the Land Act, provided, however, that no person may use such land for any purpose other than a use compatible with the preservation of the land for farm use except as permitted by the Land Commission Act or the regulations under that Act or by order of the Provincial Land Commission upon such terms and conditions as the Commission may impose.

[Signature]
Minister of Agriculture

[Signature]
Presiding Member of the
Executive Council

FILED
APR 29 1974
B.C. REG. No. 264/74

BRITISH COLUMBIA
LAND COMMISSION

MAY 06 1974
RECEIVED

VICTORIA, B.C.



1418

APPROVED AND ORDERED 25 APR 1974

[Signature]

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 25 APR 1974

Pursuant to the Land Commission Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that the following regulation be made.

ADMINISTRATION OF CROWN LAND DESIGNATED AS AN AGRICULTURAL LAND RESERVE

Crown land designated as an agricultural land reserve pursuant to Sections 7 and 8 of the Land Commission Act, shall be administered, managed and controlled pursuant to provisions of the Land Act, disposed of only in accordance with the Land Act, provided, however, that no person may use such land for any purpose other than a use compatible with the preservation of the land for farm use except as permitted by the Land Commission Act or the regulations under that Act or by order of the Provincial Land Commission upon such terms and conditions as the Commission may impose.

[Signature]
Minister of Agriculture

[Signature]
Presiding Member of the
Executive Council

FILED

APR 29 1974

B.C. REG. No. 264/74



VICTORIA

July 4, 1973

M E M O R A N D U M

**To Regional Districts
and Municipalities:**

I am enclosing for your information a copy of Order-in-Council 2116 approved June 22, 1973, which is in further reference to Order-in-Council 157/73 pursuant to the Environment and Land Use Act.

Similarly enclosed is a copy of Order-in-Council 2257 approved July 3, 1973, pursuant to the Land Commission Act. Please note this Order-in-Council proclaims the remaining Sections of the Act, namely Sections 8 - 12 inclusive and Section 16, which directly refer to the establishment of the Agricultural Land Reserve plans.

You will receive further information regarding the establishment of the land reserve plans from Mr. W. T. Lane, Chairman of the Land Commission, in the very near future.

Yours very truly,

David D. Stupich
Minister of Agriculture

Encls.



Copy of Minute Approved June 22, 1973 - Lieutenant-Governor

2116

recommend:

THAT Order-in-Council No. 157/73 be amended by striking out the words "No municipality, regional district or the City of Vancouver shall pass a zoning by-law, or enter into a land use contract, authorizing farm land to be used for non-agricultural use", and substituting the following:

"No by-law or land use contract of a municipality, regional district, or the City of Vancouver shall be deemed to authorize farmland to be used for non-agricultural use contrary to the provisions of this Order."

DATED this 21 day of June A.D. 1973

"David D. Stupich"

Minister of Agriculture

APPROVED this 21 day of June A.D. 1973

"D. Barrett"

Presiding Member of the Executive Council

2257

report:

THAT Section 22 of the Land Commission Act, being Chapter 46 of the Statutes of British Columbia, 1973 provides that the Act, excepting that Section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation and that he may fix different dates for the coming into force of the several provisions of the Act;

AND TO RECOMMEND THAT, pursuant to the Land Commission Act, being Chapter 46 of the Statutes of British Columbia, 1973 and all other powers thereunto enabling, that a Proclamation do issue fixing the date of approval of this order by his Honour the Lieutenant-Governor as the date for the coming into force of the following provisions of the Land Commission Act, that is to say Sections 8, 9, 10, 11, 12 and 16.

DATED this 29 day of June A.D. 1973

"David D. Stupich"

Minister of Agriculture

APPROVED this 29 day of June A.D. 1973

"D. Barrett"

Presiding Member of the Executive Council

Approved and ordered this 25th day of October, A.D. 19 73.

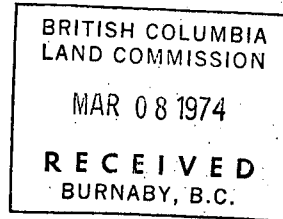
Lieutenant-Governor.

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

Mrs. Dailly
Mr. Williams
Mr. Barrett
Mr. Macdonald
Mr. Stupich
Mr. Nimsick
Mr. Strachan
Mr. King
Mr. Lorimer
Mr. Cocke
Mr. Hartley
Mr. Lea
Mr. Radford
Mr. Lauk
Mr. Nicolson
Miss Young



in the Chair.

o/c 687/74

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to report:

THAT section 6 of the Environment and Land Use Act provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such Orders respecting the environment, or land use, as he may consider necessary or advisable;

AND THAT, pursuant to section 6, Orders in Council 4483/72, 157/73 and 1891/73 were made;

AND THAT it is considered necessary and advisable to amend the appeal provisions of Order in Council 157/73;

AND TO RECOMMEND THAT, pursuant to section 6, the appeal provisions contained in Order in Council No. 157, approved January 18, 1973, be amended by deleting the final paragraph and substituting the following:

"Where a person having any interest in farmland is aggrieved by any action taken under authority of this Order, he may appeal to the Land Commission, who may hear the appeal and vary, amend, rescind or confirm the action."

Minister of Lands, Forests and Water Resources

Presiding Member of the Executive Council



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

3919

BRITISH COLUMBIA
LAND COMMISSION

DEC 05 1973

RECEIVED
SURREY, B.C.

APPROVED AND ORDERED 29. NOV. 1973

[Signature]
Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 29. NOV. 1973.

Pursuant to the Land Commission Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that

1. Every municipality or regional district shall submit to the Provincial Land Commission (hereinafter referred to as the "commission") a base plan showing the whole of the agricultural land reserve in the municipality or regional district, as the case may be, to a scale of fifty thousand feet to one inch, and such other plans of larger scale (hereinafter referred to as "constituent plans") as the commission may consider necessary to clearly set out the agricultural land reserve.
2. The base plan and each constituent plan, upon being adopted by by-law of the board of the regional district, shall be signed by the chairman and the secretary-treasurer of the regional district or other duly authorized alternates, and be sealed with the seal of the regional district.
3. The base plan shall bear the endorsement:
Agricultural Land Reserve Plan for the Regional District
of _____, duly adopted by by-law of the Regional
District Board on the _____ day of _____, 1973,
pursuant to s. 3 (2) of the Land Commission Act,
S.B.C., 1973, ch. 46.
4. Constituent plans shall bear the endorsement:
This is a portion of the Agricultural Land Reserve
Plan for the Regional District of _____
duly adopted by by-law of the Regional District Board
on the _____ day of _____, 1973, pursuant to
s. 3 (2) of the Land Commission Act, S.B.C., 1973,
ch. 46.

FILED

5. The scale and north point shall be clearly shown on the base plan and each constituent plan.

6. The boundaries of the agricultural land reserve lands shall be drawn along or with reference to legal boundary lines established by an instrument registered or deposited in a land registry office.

7. Where a boundary of the agricultural land reserve lands shown on any base plan or constituent plan is not drawn along, or with reference to, a legal boundary line, the agricultural land reserve plan shall nevertheless be deemed to be valid; and the effective boundary of the agricultural land reserve lands shall be ascertained by scaling off from the nearest or most convenient legal boundary line as determined by the commission.

8. Where there appears to be a discrepancy between a base plan and a constituent plan of larger scale, the boundary of the constituent plan of larger scale shall govern.

9. Base plans and constituent plans shall clearly indicate the land registration district in which the agricultural land reserve is situated.

10. Where the agricultural land reserve lands in a regional district are situated within more than one land registration district, the boundaries of the land registration districts shall be clearly indicated on the base plan, and on such constituent plans as are situated within more than one land registration district.

11. Upon the designation of an agricultural land reserve under section 8 of the Act, the commission shall deposit a copy of the agricultural land reserve plan certified by the general manager, in the proper land registry office or land registry offices.

12. The notation required to be made by the Registrar under subsection (2) of section 10 of the Act shall be endorsed on the face of a certificate of title and shall be in the following form:

This certificate of title may be affected by the Land Commission Act; see Agricultural Land Reserve Plan No. -----, deposited -----, 19--.

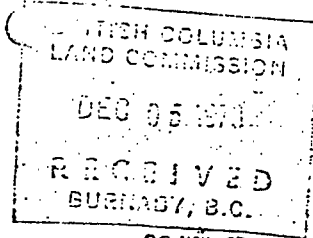
Registrar

Lawrence J. Hughes
Minister of Agriculture

James H. Smith
Presiding Member of the Executive Council



3919



APPROVED AND ORDERED 29. NOV. 1973

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 29. NOV. 1973

Pursuant to the Land Commission Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that

1. Every municipality or regional district shall submit to the Provincial Land Commission (hereinafter referred to as the "commission") a base plan showing the whole of the agricultural land reserve in the municipality or regional district, as the case may be, to a scale of fifty thousand feet to one inch, and such other plans of larger scale (hereinafter referred to as "constituent plans") as the commission may consider necessary to clearly set out the agricultural land reserve.
2. The base plan and each constituent plan, upon being adopted by by-law of the board of the regional district, shall be signed by the chairman and the secretary-treasurer of the regional district or other duly authorized alternates, and be sealed with the seal of the regional district.
3. The base plan shall bear the endorsement:
Agricultural Land Reserve Plan for the Regional District
of _____, duly adopted by by-law of the Regional
District Board on the _____ day of _____, 1973,
pursuant to s. 3 (2) of the Land Commission Act,
S.B.C., 1973, ch. 46.
4. Constituent plans shall bear the endorsement:
This is a portion of the Agricultural Land Reserve
Plan for the Regional District of _____
duly adopted by by-law of the Regional District Board
on the _____ day of _____, 1973, pursuant to
s. 3 (2) of the Land Commission Act, S.B.C., 1973,
ch. 46.

FILED

5. The scale and north point shall be clearly shown on the base plan and each constituent plan.

6. The boundaries of the agricultural land reserve lands shall be drawn along or with reference to legal boundary lines established by an instrument registered or deposited in a land registry office.

7. Where a boundary of the agricultural land reserve lands shown on any base plan or constituent plan is not drawn along, or with reference to, a legal boundary line, the agricultural land reserve plan shall nevertheless be deemed to be valid; and the effective boundary of the agricultural land reserve lands shall be ascertained by scaling off from the nearest or most convenient legal boundary line as determined by the commission.

8. Where there appears to be a discrepancy between a base plan and a constituent plan of larger scale, the boundary of the constituent plan of larger scale shall govern.

9. Base plans and constituent plans shall clearly indicate the land registration district in which the agricultural land reserve is situated.

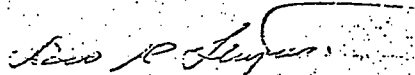
10. Where the agricultural land reserve lands in a regional district are situated within more than one land registration district, the boundaries of the land registration districts shall be clearly indicated on the base plan, and on such constituent plans as are situated within more than one land registration district.

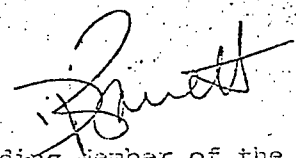
11. Upon the designation of an agricultural land reserve under section 2 of the Act, the commission shall deposit a copy of the agricultural land reserve plan certified by the general manager, in the proper land registry office or land registry offices.

12. The notation required to be made by the Registrar under subsection (2) of section 10 of the Act shall be endorsed on the face of a certificate of title and shall be in the following form:

This certificate of title may be affected by the
Land Commission Act; see Agricultural Land Reserve
Plan No. -----, deposited -----, 19--.

Registrar


Minister of Agriculture


Presiding Member of the Executive Council

SEP 10 1966

JPK

HISTORY OF LEGISLATION
concerning the
AGRICULTURAL LAND RESERVE

2 April 1971	Environment and Land Use Act S.B.C. 1971, Chapter 17	
21 December 1972	Order-in-Council #4483/72	Freeze on subdivision of land
18 January 1973	Order-in-Council #157/73	Defined and clarified O-I-C 4483/72
22 June 1973	Order-in-Council #2116/73	Amendment to O-I-C 157/73
17 April 1973	Bill 42 (Land Commission Act)	Certified correct and passed third reading
18 April 1973	Royal Assent given for the Land Commission Act S.B.C. 1973, Chapter 46	
18 May 1973	Proclamation	Sections 1-7, 13-15, 17-21 of the Act were proclaimed by the Lieutenant-Governor
31 May 1973	Order-in-Council #1891/73	Further definition to O-I-C 157/73
3 July 1973	Order-in-Council #2257/73 Proclamation	Sections 8-12 and 16 were proclaimed by the Lieutenant-Governor
25 October 1973	Order-in-Council #3539/73	Further amendment to O-I-C 157/73 permitting appeals to the Commission
29 November 1973	Order-in-Council #3919/73	Instructions for the preparation of ALR Plans
31 January 1974	B.C. Reg. 60/74, Order-in- Council 353 (filed 4 Feb. 1974)	Procedural Regulations
25 April 1974	Order-in-Council #1418/74 B.C. Reg. 264/74	Administration of Crown Land in the ALR
19 July 1974	B.C. Reg. 494/74, Order-in- Council 2414 (filed 22 July 1974)	Inclusion Regulations
16 January 1975	B.C. Regulation 19/75 Order-in-Council #130/75	Subdivision and Land Use Regulations
30 January 1975	B.C. Regulation #93/75 Order-in-Council #420/75 (Filed 4 Feb. 1975)	Subdivision and Land Use Regulations. B.C. Reg. 19/75 rescinded (minor error in Section B2(1)(d))
8 September 1977	Bill 88 (Land Commission Amend- ment Act, 1977) (certified correct and passed third reading)	First major amendments and revisions to the Act
20 January 1978	Agricultural Land Commission Act	Consolidated for convenience
27 July 1978	B.C. Reg. #313/78, Order-in- Council #1979/78 (filed 28 July 78)	New Procedural Regulations B.C. Reg. #60/74 repealed (including B.C. Reg. 494/74)
29 July 1980	Bill 33, Revised Statutes Correction Act, 1980 (certified correct and passed third reading)	Amendments to Sections 4, 13, 17, 18 and 28 of Agric. Land Commission Act

22 August 1980	Bill 60, Miscellaneous Statutes Amendment Act (No. 2) 1980 (certified correct and passed third reading)	Amendments to Sections 8, 10, 11, 18, 20 and 32 of Agr. Land Commission Act
22 December 1980	Agricultural Land Commission Act, Chapter 9	Consolidated
15 January 1981	B.C. Regulation 7/81 Order-in-Council #30/81	B.C. Reg. #93/75 repealed New Subdivision and Land Use Regulations
18 February 1981	B.C. Reg. #8/81 consolidated with B.C. Reg. #313/78, Order-in-Council #31/81	New "Subdivision and Land Use" Regulations ("Special Cases"). Consolidated with Procedural Regulations. B.C. Reg. 313/78 amended.

report:

THAT section 6 of the Environment and Land Use Act provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such Orders respecting the environment, or land use, as he may consider necessary or advisable;

AND THAT, pursuant to section 5, Order In Council 4483/72 was made;

AND THAT it is considered necessary and advisable to further define the intent, and extend further the application, of Order in Council 4483/72;

AND TO RECOMMEND THAT, pursuant to section 6, no non-agricultural development, which shall include developing a site, changing a land use, and constructing a building, except a building that is necessary for the operation of a farm or a residence for persons engaged in the operation of a farm, shall be carried out on, or respecting, farm land.

For the purposes of this Order and Order 4483/72, "farm land" means any land of two acres or more that is

- (a) situated in unorganized territory and classified as farm land as that expression is defined in section 2 of the Taxation Act; or
- (b) situated in a municipality and classified as farm land under section 332 of the Municipal Act; or
- (c) designated as Class 1, 2, 3, or 4 of the classification of soil capability for agriculture developed as part of the Canada Land Inventory under the Agricultural and Rural Development Act (ARDA) (Canada).

No approving officer shall pursuant to the Land Registry Act, approve a subdivision of farm land unless authorized to do so by an order of the Lieutenant-Governor in Council or by the provision of any other Act.

No person shall issue or cause to be issued a building permit authorizing the construction of a new building on farm land.

No municipality, regional district or the City of Vancouver shall pass a zoning by-law, or enter into a land use contract, authorizing farm land to be used for non-agricultural use.

No Registrar under the Land Registry Act shall accept an application for deposit of a plan of subdivision pursuant to the Strata Titles Act respecting farm land.

Notwithstanding the above prohibitions when an applicant, by sworn statement, provides sufficient proof to the satisfaction of the Approving Officer or official charged with issuance of building permits that the development was substantially commenced on or before the twenty-first day of December, 1972, the Approving Officer or such other official may give a certificate to the effect he believes the development to have substantially commenced before the twenty-first day of December, 1972, and a subdivision may then be approved; a building permit may then be issued; a zoning by-law may then be enacted; a land use contract may then be approved; and a Strata Titles Act subdivision may then be accepted for deposit.

This Order shall not apply to developments, subdivisions, re-zonings, building permits, land use contracts, and Strata Title subdivisions where the purpose of the proposed development is for agricultural use.

Where a person having any interest in farmland is aggrieved by an action taken under authority of this Order, he may appeal to the Environment and Land Use Committee, who may hear the appeal and vary, amend, rescind or confirm the action.

DATED the 18 day of Jan A.D. 1973

"D.D. Stupich"

Minister of Agriculture

APPROVED this 18 day of Jan A.D. 1973

"E. Dailly"

Presiding Member of the Executive Council

4483

report:

THAT Section 6 of the Environment and Land Use Act, being Chapter 17 of the Statutes of British Columbia, 1971, provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such orders respecting the environment, or land use, as he may consider necessary or advisable:

AND THAT the Committee has recommended that from December 11, 1973 and henceforth until further order or further provision by statute to the contrary, all subdivisions of farm land (as defined in Section 2 of the Taxation Act, being Chapter 375 of the Revised Statutes of British Columbia, 1960, and amendments thereto) including all lands deemed by the Committee to be suitable for cultivation of agricultural crops, be prohibited:

AND TO RECOMMEND THAT, pursuant to Section 6 of the Environment and Land Use Act, all subdivisions of farm land, including all lands deemed by the Committee to be suitable for cultivation or agricultural crops, until further order or provision by statute to the contrary, be prohibited.

DATED this 20 day of Dec A.D. 1972

"D.D. Stupich"

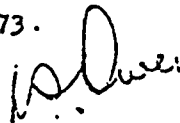
Minister of Agriculture

APPROVED this 20 day of Dec A.D. 1972

"E. Dailly"

Presiding Member of the Executive Council

Approved and ordered this 25th day of October, A.D. 19 73.



Lieutenant-Governor.

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

Mrs. Dailly
Mr. Williams
Mr. Barrett
Mr. Macdonald
Mr. Stupich
Mr. Nimsick
Mr. Strachan
Mr. King
Mr. Lorimer
Mr. Cocke
Mr. Hartley
Mr. Lea
Mr. Radford
Mr. Lauk
Mr. Nicolson
Miss Young

BRITISH COLUMBIA
LAND COMMISSION

MAR 08 1974

RECEIVED
BURNABY, B.C.

in the Chair.

O/C 687/74

To His Honour

> The Lieutenant-Governor in Council:

The undersigned has the honour to report:

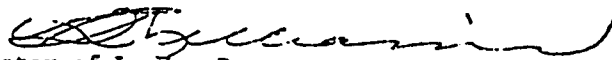
THAT section 6 of the Environment and Land Use Act provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such Orders respecting the environment, or land use, as he may consider necessary or advisable;

AND THAT, pursuant to section 6, Orders in Council 4483/72, 157/73 and 1891/73 were made;

AND THAT it is considered necessary and advisable to amend the appeal provisions of Order in Council 157/73;

AND TO RECOMMEND THAT, pursuant to section 6, the appeal provisions contained in Order in Council No. 157, approved January 18, 1973, be amended by deleting the final paragraph and substituting the following:

"Where a person having any interest in farmland is aggrieved by any action taken under authority of this Order, he may appeal to the Land Commission, who may hear the appeal and vary, amend, rescind or confirm the action."



Minister of Lands, Forests and Water Resources



Presiding Member of the Executive Council

2257

report:

THAT Section 22 of the Land Commission Act, being Chapter 46 of the Statutes of British Columbia, 1973 provides that the Act, excepting that Section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation and that he may fix different dates for the coming into force of the several provisions of the Act;

AND TO RECOMMEND THAT, pursuant to the Land Commission Act, being Chapter 46 of the Statutes of British Columbia, 1973 and all other powers thereunto enabling, that a Proclamation do issue fixing the date of approval of this order by his Honour the Lieutenant-Governor as the date for the coming into force of the following provisions of the Land Commission Act, that is to say Sections 8, 9, 10, 11, 12 and 16.

DATED this 29 day of June A.D. 1973

"David D. Stupich"
Minister of Agriculture

APPROVED this 29 day of June A.D. 1973

"D. Barrett"
Presiding Member of the Executive Council

1891

report:

THAT section 6 of the Environment and Land Use Act provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such Orders respecting the environment, or land use, as he may consider necessary or advisable;

AND THAT, pursuant to section 6, Orders in Council 4483/72 and 157/73 were made;

AND THAT it is considered necessary and advisable to further define the intent, and extend further the application, of Order in Council 157/73;

AND TO RECOMMEND THAT, pursuant to section 6, the prohibitions contained in Order in Council No. 157, approved January 18, 1973, be further clarified by deleting paragraph 2 of page 2, and substituting the following:

"No person shall issue or cause to be issued a building permit authorizing the construction of a new building on farm land other than for agricultural purposes, except that this order shall not prohibit the construction of one single family dwelling per lot provided that the dwelling is eligible for the home-owner grant".

DATED THIS 31st DAY OF May A.D. 1973

"R. Williams"
Minister of Lands, Forests and Water Resources

APPROVED THIS 31st DAY OF May A.D. 1973

"E. Dailly"
Presiding Member of the Executive Council

2116

recommend:

THAT Order-in-Council No. 157/73 be amended by striking out the words "No municipality, regional district or the City of Vancouver shall pass a zoning by-law, or enter into a land use contract, authorizing farm land to be used for non-agricultural use", and substituting the following:

"No by-law or land use contract of a municipality, regional district, or the City of Vancouver shall be deemed to authorize farmland to be used for non-agricultural use contrary to the provisions of this Order."

DATED this 21 day of June A.D. 1973

"David D. Stupich"

Minister of Agriculture

APPROVED this 21 day of June A.D. 1973

"D. Barrett"

Presiding Member of the Executive Council

INDEX

REASONS FOR CONCERN ABOUT LOSS OF AGRICULTURAL LAND	Page: 7
AREAS IN B. C. TOPOGRAPHICALLY SUITABLE FOR AGRICULTURE	8
ORDERS-IN-COUNCIL, SUB INDEX TO PART I OF HANDBOOK (chronological)	1
- Environment and Land Use Act	4
- Duties of Environment and Land Use Committee	4
- Orders and regulations, authority for,	5
- Environment and Land Use Committee	
- Duties	4
- Names of members	6
- Name and address for secretary	22
- Names of technical committee members	22
- O. in C. 4433/72	10
- O. in C. 157/73	11
- Letter of Instruction from Minister of Agriculture	13
- Letter of Instruction from Ministers of Agriculture, Lands, Forest & Water Resources, Municipal Affairs, and the Chairman of Land Commission	13
- O. in C. 1891/73	18
	24
LAND COMMISSION ACT, SUB-INDEX TO PART II OF HANDBOOK (chronological)	27
- Land Commission Act	34
- Application for Exceptions under Section 8(11)	25
- Commission Policy on Establishment of Agricultural Land Reserves	63
- Conduct of Statutory Hearing, comment	63
- Content of Statutory Notice of Hearing, comment	66
- Draft By-law	62
- Memorandum of Commission:	56
- Co-ordination of Regional Plans with Land Reserve Plans	57
- Effect of Agricultural Reserve on Local Zoning	59
- Form of Agriculture Reserve Plan	57
- Further Assistance to Regional District	60
- Nature and Conduct of Hearing	59
- Preparation of Agriculture Reserve Plans	57
- Statutory Notice of Hearing	58
- Where Urban Encroachment of Suggested Agricultural Reserve Land appears Unavoidable	58
- Proposed Regulations Regarding Preparation of Reserve Plans	67
- Publishing of Statutory Notice of Hearing, comment	67
- Draft Display Ad	70
- Draft "Legals" Ad	69
- Sample Certificate of Exception under Section 8(11)	26
- Similar Legislation (U.S.) Extracts	30/31
- Similar Legislation (Ontario), comments on,	32/33
- SUMMARY - Guide to Sections of Act	46
FLOOD CONTROL REQUIREMENTS	64

PART 1: THE ORDERS-IN-COUNCIL

DATE	RELEVANT DOCUMENT	COMMENTS	ATTACHMENTS
2 Apr. 1971	<u>Environment and Land Use Act. S. B. C. 1971, c17</u>	Establishes an "Environment and Land Use Committee" of the cabinet with power to make recommendations to the Lieut-Gov. in Council regarding "the development and use of land" -(among other things).	I - a
	List of names of members of the "Environment and Land Use Committee" as of August 15, 1973	- - - - -	I - b
	Summary of reasons why the government felt it necessary to take steps to protect agricultural land in British Columbia	- - - - -	I - c
29 Nov. 1972	Government announces to the B. C. Federation of Agriculture that a policy of farmland protection would be forthcoming.	Evidence was noticed of increased speculation in agricultural lands.	
11 Dec. 1972	Letter from the Hon. Minister of Municipal Affairs to all Mayors and Chairman	CAUTIONS Chairmen of Regional Districts and Mayors of Municipalities not to adopt land use by-laws that might prejudice farm land.	I - d
20 Dec. 1972	<u>Order-in-Council 4483/72</u>	FREEZES the Subdivision of land which at that date was classified as "Farm land" for real property tax purposes	I - e
18 Jan. 1973	<u>Order-in-Council 157/73</u>	FREEZES the Subdivision and use of land classed as 1, 2, 3, or 4 in soil capabilities for agricultural purposes according to the Canada Land Inventory evaluation, BUT PROVIDES FOR EXCEPTIONS in the case of "substantial commencement".	I - f
16 Feb. 1973	Letter: the Hon. Minister of Agriculture to all Regional Districts and Municipalities.	OUTLINES policy for uniform administration of the Orders-in-Council by local authorities and DESCRIBES a method of appeal from a local refusal to the Environment & Land Use Committee.	I - g
19 Apr. 1973	Minute of the Environment and Land Use Committee.	RELEASES URB-1 and URB-2 acres of the Lower Mainland Regional Plan, including amendments to March 1, 1973, from the Orders-in-Council.	

DATE	RELEVANT DOCUMENTS	COMMENTS	ATTACHMENT
29 May 1973	Letter from the Environments and Land Use Committee to all Regional Districts & Municipalities	PROVIDES for a three phase THAW in the FREEZE to avoid an artificial shortage of land for housing: Phase 1. Individual appeals to the Environment Land Use Committee. Phase 2. Block appeals by Municipalities or Regional Districts. Phase 3. Establishment of the Agricultural Land Reserves under the <u>Land Commission Act</u> .	I -
	Name and address of Secretary to the "Environment"	-----	I -
	Names of members of the Technical Committee assisting the Environment & Land Use Committee	-----	I -
27 June 1973	<u>Order-in-Council</u> 1891/73 and accompanying letter of the Hon. Minister of Lands, Forest & Water Resources.	PROVIDES for a further THAW in the FREEZE by allowing the construction of one owner-occupied residence per lot.	I -
2 July 1973	Subsection (11) of section 8 of the <u>Land Commission Act</u> .	PROCLAMATION of sections 8, 9, 10, 11, 12, and 16 of the Land Commission Act on July 2, 1973 had the effect of "deeming all lands which were zoned for "agricultural or farm use under a by-law of a municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972", regardless of whether they were or were not covered by the existing freeze and regardless of whether they are in or out of the Department of Agriculture's suggested Agricultural Land Reserves. This situation will prevail until the official Agricultural Land Reserve plan for the Region in question has been finally designated by the Commission. In the meantime the Commission is accepting requests to have some of these lands "excepted", where the applicants developments has been otherwise approved and is consistent with the objects of the Act.	I -

DATE

RELEVANT DOCUMENTS

COMMENTS

ATTACHMENTS

Suggested contents of an Application for
Exception

I -

Sample "Certificate of Exception"

I -

CHAPTER 17

Environment and Land Use Act

[Assented to 2nd April, 1971.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Interpretation.

1. In this Act, unless the context otherwise requires,

- (a) "committee" means the Environment and Land Use Committee established under this Act;
- (b) "environment" means all the external conditions or influences under which man, animals, and plants live or are developed.

Committee established.

2. (1) There is established a committee to be known as the "Environment and Land Use Committee, (herein called the "committee") consisting of a chairman and such other members of the Executive Council as the Lieutenant-Governor in Council may appoint.

(2) The chairman and the other members of the committee shall be appointed by the Lieutenant-Governor in Council for such term as he may determine.

(3) The committee may determine its own procedure and may elect an acting chairman to act in the absence of the chairman.

(4) If the membership of the committee exceeds three members, the quorum is three members.

Duties of the committee.

3. Upon establishment of the committee, it is the duty of the committee, and it is empowered, to

- (a) establish and recommend programmes designed to foster increased public concern and awareness of the environment;
- (b) ensure that all the aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development commensurate with a maximum beneficial land use, and minimize and prevent waste of such resources, and despoliation of the environment occasioned thereby;

- (c) if considered advisable, make recommendation to the Lieutenant-Governor in Council respecting any matter relating to the environment and the development and use of land and other natural resources;
- (d) inquire into and study any matter pertaining to the environment, or land use; and
- (e) prepare reports, and, if advisable, make recommendations for submission to the Lieutenant-Governor in Council.

Right to
hold public
inquiries,
etc.

4. The committee may

- (a) hold a public inquiry whenever it appears to the committee that the proper determination of any matter within its jurisdiction necessitates an inquiry, and, for that purpose, the chairman of the committee or a member of the committee authorized by the committee to hold a hearing has all the powers and jurisdiction of a Justice of the Peace under the *Summary Convictions Act*;
- (b) appoint technical committees; and
- (c) subject to the approval of the Lieutenant-Governor in Council, provide for the remuneration of experts, specialists, and researchers and, pursuant to the *Civil Service Act*, of such clerks and other employees as may be required.

Provision
for expenses
of committee
members.

5. No member of the committee is entitled to remuneration as a member of the committee, but he may be paid and receive such travelling and out-of-pocket expenses as the Comptroller-General may approve.

Orders of
Lieutenant-
Governor in
Council.

6. The Lieutenant-Governor in Council, on the recommendation of the committee, may make such orders respecting the environment, or land use, as he may consider necessary or advisable, and he may make such orders under this Act, notwithstanding any other Act or regulation, and no Minister, department of Government, or agent of the Crown specified in the order shall exercise any power granted under any other Act or regulation except in accordance with the order.

Regulations.

7. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations or orders as are ancillary thereto and not inconsistent therewith and as are considered necessary or advisable; and every regulation or order made under this section shall be deemed part of this Act and has the force of law.

ENVIRONMENT AND LAND USE COMMITTEE

CHAIRMAN: Honorable R. A. Williams (Minister of Lands, Forests & Water Resource)

Honorable D. G. Cocke (Minister of Health Services & Hospital Insurance)

Honorable J. G. Lorimer (Minister of Municipal Affairs)

Honorable L. T. Nimsick (Minister of Mines & Petroleum Resources)

Honorable D. D. Stupich (Minister of Agriculture)

Honorable J. Radford (Minister of Recreation & Conservation)

Honorable G. R. Lea (Minister of Highways)

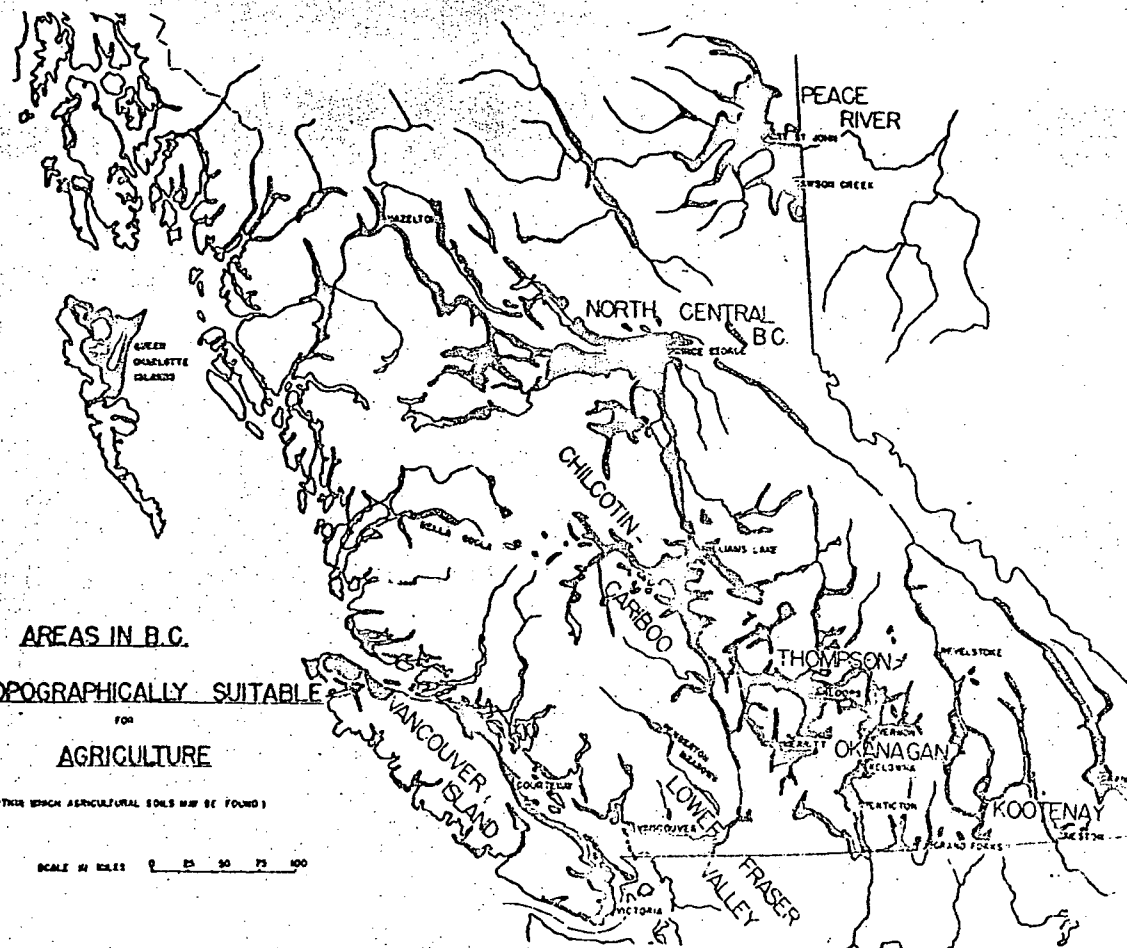
REASONS FOR CONCERN ABOUT LOSS OF AGRICULTURAL LAND

1. Losses of approximately 10,000 acres per year of high quality agricultural land in the best climates on the best soils.
 2. There is less than 3% of the land area of B. C. west of the Rocky Mountains suitable for cultivated agriculture.
 3. Approximately 1/100th of the land area of the province has a climate suitable for the production of tree fruits and grapes.
 4. Agriculture makes a significant contribution to the provincial economy through basic returns to the farmer, multiplier effects of wholesale, retailing, servicing etc., as well as providing economic diversity for the province.
 5. International concerns:
 - world wheat shortage.
 - beef shortages and price problems.
 - California and Mexico populations will eventually need all their food producing land for their own ever-expanding populations.
 - Recent America embargos on some food products likely indication of future things to come.
 - English and French speaking population of North America is approximately 6% of the world's population yet it consumes 50% of the world's resources. The new affluence of Western European, Eastern European and Asiatic peoples is creating increasing pressures on the world's food supplies.
- 60,000,000 more mouths to feed in the world every year!

AREAS IN B.C.
TOPOGRAPHICALLY SUITABLE
FOR
AGRICULTURE

(WITHIN WHICH AGRICULTURAL SOILS MAY BE FOUND)

SCALE IN MILES 0 25 50 75 100



LETTER FROM THE MINISTER OF MUNICIPAL AFFAIRS

December 11, 1972

The Mayor, All Municipalities and
The Chairman, All Regional Districts

Farm and Other Land Use Policy

In Keeping with the announced policy of the Government on the preservation of farm and other rural lands from urban land use and further subdivision of land it is my intention to examine very closely any future requests for approval of land use by-laws that would allow such land use to proceed.

For the most part, by-laws which have the effect of breaking up farm lands, particularly those classified by statute, will be considered only in the light of this policy. Should a Regional Board or Council wish to proceed with other applications relating to rural lands, they should be reviewed in the light of the long-range effect upon the future need for local services and the closeness of the land under consideration to the areas that already have such services available.

While the Department does not require approval of all land use by-laws, it is hoped that those municipalities who do not require statutory approval will be guided by this directive.

Yours very truly,

James G. Lorimer,
Minister.

Copy of Minute Approved December 21, 1972 - Lieutenant-Governor

4483.

report:

THAT Section 6 of the Environment and Land Use Act, being Chapter 17 of the Statutes of British Columbia, 1971, provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such orders respecting the environment, or land use, as he may consider necessary or advisable:

AND THAT the Committee has recommended that from December 11, 1972 and henceforth until further order or further provision by statute to the contrary, all subdivisions of farm land (as defined in Section 2 of the Taxation Act, being Chapter 374 of the Revised Statutes of British Columbia, 1960, and amendments thereto) including all lands deemed by the Committee to be suitable for cultivation of agricultural crops, be prohibited:

AND TO RECOMMEND THAT, pursuant to Section 6 of the Environment and Land Use Act, all subdivisions of farm land, including all lands deemed by the Committee to be suitable for cultivation of agricultural crops, until further order or provision by statute to the contrary, be prohibited.

DATED this 20 day of Dec A.D. 1972

"D.D. Stupich"

Minister of Agriculture

APPROVED this 20 day of Dec A.D. 1972

"E. Dailly"

Presiding Member of the Executive Council

Copy of Minute Approved January 18, 1973 - Lieutenant-Governor.

157.

report:

THAT section 6 of the Environment and Land Use Act provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such Orders respecting the environment, or land use, as he may consider necessary or advisable;

AND THAT, pursuant to section 5, Order in Council 4483/72 was made;

AND THAT it is considered necessary and advisable to further define the intent, and extend further the application, of Order in Council 4483/72;

AND TO RECOMMEND THAT, pursuant to section 6, no non-agricultural development, which shall include developing a site, changing a land use, and constructing a building, except a building that is necessary for the operation of a farm or a residence for persons engaged in the operation of a farm, shall be carried out on, or respecting, farm land.

For the purposes of this Order and Order 4483/72, "farm land" means any land of two acres or more that is

- (a) situated in unorganized territory and classified as farm land as that expression is defined in section 2 of the Taxation Act; or
- (b) situated in a municipality and classified as farm land under section 332 of the Municipal Act; or
- (c) designated as Class 1, 2, 3, or 4 of the classification of soil capability for agriculture developed as part of the Canada Land Inventory under the Agricultural and Rural Development Act (ARDA) (Canada).

No approving officer shall pursuant to the Land Registry Act, approve a subdivision of farm land unless authorized to do so by an order of the Lieutenant-Governor in Council or by the provision of any other Act.

No person shall issue or cause to be issued a building permit authorizing the construction of a new building on farm land.

No municipality, regional district or the City of Vancouver shall pass a zoning by-law, or enter into a land use contract, authorizing farm land to be used for non-agricultural use.

No Registrar under the Land Registry Act shall accept an application for deposit of a plan of subdivision pursuant to the Strata Titles Act respecting farm land.

Notwithstanding the above prohibitions when an applicant, by sworn statement, provides sufficient proof to the satisfaction of the Approving Officer or official charged with issuance of building permits that the development was substantially commenced on or before the twenty-first day of December, 1972, the Approving Officer or such other official may give a certificate to the effect he believes the development to have substantially commenced before the twenty-first day of December, 1972, and a subdivision may then be approved; a building permit may then be issued; a zoning by-law may then be enacted; a land use contract may then be approved; and a Strata Titles Act subdivision may then be accepted for deposit.

This Order shall not apply to developments, subdivisions, re-zonings, building permits, land use contracts, and Strata Title subdivisions where the purpose of the proposed development is for agricultural use.

Where a person having any interest in farmland is aggrieved by any action taken under authority of this Order, he may appeal to the Environment and Land Use Committee, who may hear the appeal and vary, amend, rescind or confirm the action. ||

DATED this 18 day of Jan A.D. 1973

"D.D. Stupich"

Minister of Agriculture

APPROVED this 18 day of Jan A.D. 1973

"E. Dailly"

Presiding Member of the Executive Council

February 16, 1973.

To: - Municipal Clerks and Regional District Secretary-Treasurers.
Approving Officers in Municipalities and Regional Districts.

Re: Farm Land Preservation

Two Orders in Council were recently approved by government as an emergency and interim measure to ensure that land capable of supporting agriculture is not altered so that it cannot be used for agriculture. It is expected legislation will soon be enacted to take more complete care of the situation.

In the meantime the Environment and Land Use Committee is concerned that the approach to the implementation of the Orders should be the same throughout the province and so have instructed me to put that Committee's wishes on paper for distribution to all municipalities, regional districts and the Department of Highways in British Columbia. A copy of both Orders in Council 4483/72 and 157/73 are attached for convenience. They should be examined carefully before reading the following.

1. Certificate

The Committee is aware that a measure of judgement will be required in the processing of instream applications (those which have been received).

Where your administration is satisfied with the applicant's sworn statement in which she or he gives as much detail as he or she wishes showing the development did indeed substantially commence on or before 21 December 1972, a certificate should be issued.

In reviewing an application for a certificate recognition should be given to:

- (a) parcel size (the smaller the parcel size the harder it is to establish a viable farm unit)
- (b) small parcels in close proximity to existing development (closely surrounded on three sides by urbanized land, etc.)
- (c) whether the proposal has been prosecuted vigorously or is an old dormant proposal "dragged out and dressed up"
- (d) whether there is hardship.



Such a certificate could be worded "This is my certificate that I am satisfied and believe the development of (legal description or scale map with dimensions as required) for (size and nature of proposed land use) to have substantially commenced before December 22, 1972."

2. Certificate Distribution

Where the certificate is for a building permit a copy should be attached to the permit and a copy should be attached to the office copy of the permit and the attachment noted on the permit.

Where the certificate is for a subdivision or strata titles case a copy should be kept on file, a copy given the applicant and a copy sent to the Registrar in the appropriate Land Registry Office with a covering letter giving enough detail to make the case understandable. Where the subdivision adjoins a Controlled Access Highway, a further copy of the certificate should be sent with the proposal to the appropriate provincial official.

The Order gives dual jurisdiction for issuing certificates - either the approving officer or building inspector. The appropriate officer should issue the certificate.

In cases other than subdivision where, outside a municipality, a building bylaw applies to an area in which there is need for certification the building inspector for that area would provide the certificate.

Except for the Gulf Islands in the Capital Regional District, all certificates for subdivision outside municipalities will be issued by the Approving Officer in the Department of Highways.

In those rare cases outside municipalities where there are areas where there is a zoning bylaw but no building bylaw, the Approving Officer of the Department of Highways does all certification.

3. Substantial Commencement

Instream applications should be allowed where the land has been so physically altered that it cannot reasonably be used for agriculture and where approvals have been held out to the extent that refusal would be a hardship on the applicant whether it be a single person or a company.

(a) Holding Out

Holding out has been interpreted as referring to approvals which go to the heart of consenting to the concept of the proposed land use. These should include valid tentative or final subdivision approvals; metes and bounds descriptions approved by the Approving Officer and acceptable to the Registrar in the Land Registry Office:

approved final subdivisions registered since January 1, 1972; regional district land use contract bylaws which have been approved by the Lieutenant-Governor in Council; municipal land use contract bylaws which have been given third reading and have received any approval required under the Controlled Access Highways Act; buildings for which building permits have been issued.

However, holding out should not include expired tentative subdivision approvals; approved subdivision plans not tendered for deposit with the Registrar in the Land Registry Office within sixty days after it has been approved by the Approving Officer; metes and bounds descriptions acceptable to the Registrar in the Land Registry Office which have not been granted approval by the Approving Officer; subdivisions registered before January 1, 1972; regional district land use contract bylaws which have not received Lieutenant-Governor in Council approval; municipal land use contract bylaws which have not been given third reading and have not received approval required under the Controlled Access Highways Act; zoning or rezoning bylaws; applications for building permit; a certificate of public convenience and necessity issued under Public Utilities Act; a waste water disposal permit issued pursuant to Pollution Control Act, 1967; a water licence; a certificate of approval under the Health Act.

(b) Commencement

Evidence of substantial commencement should be considered to include physical work which alters the land such as road or drainage construction, subdivision utility installation, foundation excavation, concrete foundation slabs, and buildings under construction. However, where physical work leaves the land tillable, it should not be considered to be substantial commencement and this would include clearing, grubbing, fencing or the installation of drainage tile or water pipes not part of a subdivision.

4. Refusal

In all cases where an approval or permit is denied because of the Orders in Council the applicant should be notified in writing and the notification should fully state the reasons.

Where an application has been denied, the authority denying is advised that if the applicant appeals the decision it may be requested by the Environment and Land Use Committee to provide relevant information in order to properly consider the appeal.

5. Appeal

Where a person having an interest in farm land is aggrieved by any action taken under authority of Order 157/73 he may appeal to the Environment

-4-

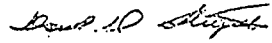
and Land Use Committee. Appeals are to be in writing. Appeals are to be addressed to the Secretary, Environment and Land Use Committee, Parliament Buildings, Victoria, and should set out relevant details and enclose any plans and documents the applicant deems necessary, including a copy of the letter of denial.

There is no appeal to any Minister of the Crown and all prospective appellants should be so advised.

6. Miscellaneous Questions

- (a) Where the subdivision of farm land for agricultural use is proposed the principal question is whether the parcels so created would be viable farm units. In determining this the Approving Officer would find it useful to have an opinion as to whether all parcels would qualify for farm classification in assessment terms. The thoughts of the Assessor or other appropriate government officials may be sought.
- (b) Buildings necessary for the operation of a farm or a residence for a person engaged in the operation of a farm are permitted to qualify under the Order. The principal question is whether the land is in fact a viable farm or capable of being made a viable farm unit. In determining this, the issuer of the certificate would find it useful to have an opinion as to whether the parcel would qualify for farm classification in assessment terms. If the land qualifies, it is then necessary to determine if the buildings are necessary for agricultural pursuits. The thoughts of the assessor or other appropriate government officials may be sought.
- (c) In those instances where a reasonable proportion of the parcel is "farm land", the parcel should not be subdivided at this time. Stress is laid on the fact that the Order is an interim measure.
- (d) Where there are no maps showing Canada Land Inventory soil capability classification for agriculture, officials considering the issuance of certificates under the Order should contact the nearest office of the Department of Agriculture and obtain the soil capability classification of the land in question.
- (e) Where without these Orders in Council a subdivision would not have been approved, the Approving Officer's explanation for rejecting or not approving a subdivision should include every reason for taking that action and not give undue stress to the Orders in Council.
- (f) The complete replacement of an existing dwelling by a different one whether by moving the different dwelling onto the parcel or by the construction of a new dwelling on the site is not considered to be a substantial change to the situation that exists and therefore should be permitted.

It is hoped that the foregoing thoughts of the Environment and Land Use Committee will be of value to you as guidance in the implementation of the Orders in Council. Your forbearance and co-operation in this very important issue will be greatly appreciated.


David D. Stupich,
Minister of Agriculture.

ENVIRONMENT AND LAND USE COMMITTEE
PARLIAMENTARY BUILDING
VICTORIA, BRITISH COLUMBIA

May 29, 1973

TO: Secretary-Treasurers,
All Regional Districts.

Re: Agricultural Land Reserves

As you are probably aware, the Land Commission Act (Bill 42) has been passed and the Land Commission has been appointed. The various sections of the Act, however, do not come into effect until proclaimed by the Lieutenant Governor in Council.

In order to provide for the transition from the provisions of Orders-in-Council 4483/72 and 157/73 to the Land Commission Act, the Environment and Land Use Committee, the Land Commission, and the Department of Agriculture have developed a three-phase process aimed at avoiding artificial shortages of land for housing in the short term while still preserving agricultural land for the long term. Because of the diverse nature of our Province, initially all three phases will have to run concurrently in the various regions of the Province, but the intent is to gradually shift to a region-by-region designation of the agricultural reserves under phase 3. The three phases are:

1. Phase 1.

This involves the consideration of individual appeals by the Environment and Land Use Committee, which has been the basis for most appeals to date. Many appeals have been approved, some have been denied outright, but a fair number have been "denied pending establishment of agricultural boundaries". The latter will automatically be reviewed upon completion of phase 2 and phase 3.

2. Phase 2.

This also involves the consideration of appeals by the Environment and Land Use Committee, but on a blanket basis for entire areas.

...2

2...

This is where Regional District and Municipal assistance would be most appreciated. Rather than lot-by-lot consideration of appeals, as has been the case with phase 1, the Environment and Land Use Committee is now asking that each affected Regional District (and each affected Municipality in co-operation with its Regional District) submit for consideration a blanket appeal for the areas that should clearly be exempted from the agricultural designation under Orders-in-Council 4483/72 and 157/73 in the short term. This appeal should consist of maps and supporting material showing existing farm areas and existing development, and identifying for appeal those areas surrounded by development, sewerage, or clearly needed for development in the near future. Such appeals should logically focus in and around urban centres. The Department of Agriculture has prepared agricultural capability maps to aid in this process, and these will be made available as noted elsewhere in this letter. Upon review by the Environment and Land Use Committee, appropriate areas would be released on a blanket basis, and any artificial shortages of land or inflated prices for housing would be avoided. As this is done for an area, appeals previously "denied pending establishment of agricultural boundaries" will be reviewed.

(Full or partial appeals from Penticton, Salmon Arm, Langley City, Matsqui, Abbotsford, Prince George, Maple Ridge, Terrace, Oliver, Central Saanich have already been dealt with on this basis. The established and developing urban areas designated in the Official Regional Plan for the Lower Mainland (URBAN-1 and URBAN-2) before March 1, 1973, have also been exempted from the agricultural designation).

3. Phase 3.

Consists of a more detailed review of long term agricultural boundaries by the Land Commission under the Land Commission Act, in conjunction with the broad designation of land for other major uses, particularly resource uses, by the Environment and Land Use Committee. The Regional Districts (and each Municipality through its Regional District) have a major responsibility in this phase.

In order to assist with phase 2 and more phase 3, and since the Act (section 8 subsection 2) assigns substantial responsibility for phase 3 to the Regional Districts and their member Municipalities, the Department of Agriculture has prepared maps for most of the principal agricultural regions of the Province showing agricultural land capability and a first run at draft boundaries as a working basis for determining the agricultural reserves. In order to present these maps with a suitable explanation, the Department is desirous of arranging a meeting of a member

...3

3...

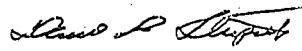
of the Land Commission and appropriate staff people at a mutually convenient time with the Board and appropriate staff of each Regional District, together with additional representatives of its member Municipalities and appropriate representatives of their staffs. In order to minimize travel time, the Department would like to arrange meetings on the following basis:

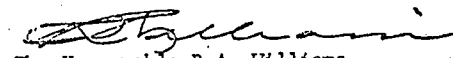
Vancouver Island -	week of June 11
Lower Mainland -	week of June 18
Cariboo -	week of June 25
Central Interior -	week of July 2
Peace River -	week of July 9
Kootenays -	week of July 16
Okanagan -	week of July 23

The Department will be making contact shortly to establish specific dates for meetings.

In closing, it is the hope of the Committee that Regional Districts and through them their Member Municipalities will now prepare blanket appeals as described under Phase 2 above and forward these to the Environment and Land Use Committee for their consideration. Several such appeals have already been considered, as noted above, and the Committee is aware that others are preparing material. The Committee hopes to receive most such submissions by the end of August.

The broad allocation of land and resources is a critical concern throughout the Province. The enactment of the Land Commission Act in conjunction with the establishment of a Secretariat to serve the Environment and Land Use Committee are intended to tackle the problem as quickly and effectively as possible. But there is a big job to do and we sincerely hope that we can have your assistance in the process.


The Honourable D. Stupich,
Minister of Agriculture,
Member, Environment and Land Use
Committee.


The Honourable R.A. Williams,
Chairman, Environment and Land
Use Committee.


The Honourable J.C. Lorimer,
Minister of Municipal Affairs,
Member, Environment and Land Use
Committee.


Mr. W.T. Lane,
Chairman,
Land Commission.

cc - All Municipal Clerks.

Enclosures

For your information, attached is a complete compendium of information regarding the designation of Agricultural Land. This includes:

1. Land Commission Act
2. Order-in-Council 4483/72
3. Order-in-Council 157/73
4. Procedures established for Order-in-Council appeals.
5. List of members of the Land Commission and the Environment and Land Use Committee.

2 -

Mr A. Kinnear, Secretary & Co-ordinator,
Environment and Land Use Committee,
Parliament Buildings, Victoria, B. C.

Technical Committee:

A Kinnear

R Wilkinson (Agriculture)

M Elsdon (Highways)

W Tassie (Municipal Affairs)

supported by a planner and small
technical staff.



I-j

ENVIRONMENT AND LAND USE COMMITTEE
PARLIAMENT BUILDINGS
VICTORIA, BRITISH COLUMBIA

June 27, 1973

Secretary Treasurers, All Regional Districts,
Municipal Clerks, All Municipalities.

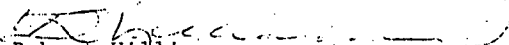
Attention: All Building Inspectors

Re: Building Permits on
Agricultural Land

As you are aware, Order-in-Council 157/73
limited the issuance of building permits on agricultural
land.

Attached is a copy of Order-in-Council 1891/73
which amends the earlier order to allow for the construction
of buildings for agricultural purposes, and for not more
than one owner-occupied residence per lot.

Yours truly,


Robert Williams,
Chairman.

1891.

report:

THAT section 6 of the Environment and Land Use Act provides that on the recommendation of the Committee, the Lieutenant-Governor in Council may make such Orders respecting the environment, or land use, as he may consider necessary or advisable;

AND THAT, pursuant to section 6, Orders in Council 4483/72 and 157/73 were made;

AND THAT it is considered necessary and advisable to further define the intent, and extend further the application, of Order in Council 157/73;

AND TO RECOMMEND THAT, pursuant to section 6, the prohibitions contained in Order in Council No. 157, approved January 18, 1973, be further clarified by deleting paragraph 2 of page 2, and substituting the following:

"No person shall issue or cause to be issued a building permit authorizing the construction of a new building on farm land other than for agricultural purposes, except that this order shall not prohibit the construction of one single family dwelling per lot provided that the dwelling is eligible for the home-owner grant".

DATED THIS 31st DAY OF May A.D. 1973

"R. Williams"
Minister of Lands, Forests and Water Resources

APPROVED THIS 31st DAY OF May A.D. 1973

"E. Dailly"
Presiding Member of the Executive Council

SUBSECTION 11 of SECTION 8

Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission.

APPLICATION FOR EXCEPTION UNDER SECTION 8(11)

It is suggested that the following items be included in any application to the Land Commission to have land excepted from the provisions of Subsection 11 of Section 8 of the Land Commission Act.

- (a) Names of registered owners. (If possible as shown on the certificate of title).
- (b) Name and address of owner or agent making the application.
- (c) Written statement of the history of the proposed development, highlighting various approvals (tentative or actual) received from local and provincial authorities together with copies of all written approvals received.
- (d) The zoning classification of the land as at the 21 December, 1972 (and any subsequent changes).
- (e) A full legal description of the property, sufficient to satisfy the Land Registry Office.
- (f) Three paper prints of the proposed plan of subdivision (if subdivision is what the applicant is seeking).

If the Land Commission accedes to the applicant's request, Certificate of Exception is sent to the appropriate official (e.g. Registrar of Titles).

(Sample)

CERTIFICATE OF EXCEPTION

(s. 8(11) the Land Commission Act, S.B.C 1973, c. 46)

Re: Those portions of District Lot _____

_____ situated within the Municipality of _____
_____ shown more particularly on a pro-
posed plan of subdivision prepared by _____
B. C. Land Surveyor whose declaration of superinten-
ance and correctness was sworn on the _____ day
of _____ 1973.

(Legal
description)

WHEREAS the above described land was zoned for agricult-
ural or farm use under a by-law of a municipality or reg-
ional district subsisting immediately prior to the twenty-
first day of December, 1972, and as such was deemed to be
an agricultural land reserve under section 8 of the act;

AND WHEREAS the owner of the land has applied to the Land
Commission to have the land excepted from the effect of
subsection (11) of section 8 of the Act by reason of:

(Examples)

- (a) approvals have been obtained from the Municipality
- (b) approvals have been obtained from the Department of
Highways under the provisions of Order-in Council
#157/73; the Department of Health, and from the Water
Resources Service.
- (c) the subdivision was substantially commenced prior to
December 21, 1972 as indicated in a statutory dec-
laration that all roads have been cleared and con-
structed to grade and that sewer mains _____
have been installed;

AND WHEREAS the Provincial Land Commission by Resolution
00/73 dated the _____ day of _____ 1973 granted the owner's
application for exception;

NOW THEREFORE I hereby certify that the above mentioned
land is excepted from the effect of subsection 11 of sec-
tion 8 of the Land Commission Act, S.B.C 1973, c. 46.

Dated at Burnaby, British Columbia this _____ day of _____ 1973.

Chairman,
Provincial Land Commission.

PART II - continued

DATE	RELEVANT DOCUMENT	COMMENT	ATTACHMENT
(These sections proclaimed on July 2, 1973).	Outline summary of sections 8, 9, 10 and 11 of the Land Commission Act. (for use only as a guide to locating the relevant subsections in the Act itself).	Section 8 deals with the preparation, approval and final DESIGNATION of "Agricultural Land Reserves". Section 9 outlines how government bodies and aggrieved private owners may apply to have land EXCLUDED from an "Agricultural Land Reserve". Section 10 specifies what a person may or may not do within an "Agricultural Land Reserve". It also outlines the responsibilities of local governments, public affairs, approving officers, Boards of Variance and Registrars of title in the IMPLEMENTATION of the Land Commission Act. Section 11 provides that certain lots of less than 2 acres in size as well as some non-conforming uses are EXEMPT from the Act.	II - f
11 July 1973	"MEMORANDUM" of the B. C. Land Commission on the preparation of Agricultural Land Reserve Plans, etc.	- - - - -	II - g
- - -	PROPOSED REGULATIONS regarding presentation standards of Agricultural Land Reserve Plans.	- - - - -	II - h
- - -	Possible form of Regional District BY-LAW	- - - - -	II - i
- - -	Statement of COMMISSION'S POLICY regarding Agricultural Land Reserves.	- - - - -	II - j
9 April 1973	Flood control requirements	- - - - -	III - a

PART II: THE LAND COMMISSION ACT (with background material)

DATE	RELEVANT DOCUMENT	COMMENT	ATTACHMENT
9 Jan. 1973	Extract from U. S. Senate Bill S.263 introduced by Senator Jackson (Wash.) and 19 other U. S. Senators.	The U. S. Congress finds that the increased size, scale and impact of private actions have created a situation where land use management decisions are being based on EXPEDIENCY and SHORT-TERM ECONOMIC CONSIDERATIONS.	II - a
12 Feb. 1973	Extract from House Bill No. 791 (State of Washington) introduced by Representative Bluechel and 15 other state representatives.	The Washington State legislative identifies the need, in the interest of the well-being of the people of the state, to formulate EXCEPTIONAL PLANNING and REGULATORY PROCESSES and to MONITOR continually certain areas and types of development.	II - b
22 June 1973	Newspaper clipping: The Globe and Mail, Toronto, Ontario, Tuesday June 5, 1973, Page 33 on the new Ontario-Planning and Development Act, 1973, quoting the Premier of Ontario.	The Ontario Minister of Economic and Intergovernmental Affairs is given the power to AMEND local plans to resolve conflicts and to this end may REQUIRE the adoption of local plans and the passage of local zoning by-laws. He may also acquire land by EXPROPRIATION (unlike the powers in the U. C. Land Commission Act). Provincial plans in Ontario PREVAIL over any conflicting provisions of local plans or by-laws.	II - c
22 June 1973	Extracts from the proceedings of the Legislature of the Province of Ontario (comments of the Hon. Mr. Stewart to Mr. R. F. Nixon, Leader of the Opposition).	A Minister of the Government of the Province of Ontario explains that it is not possible to pay compensation on all the acreage of land in the province that maybe put under land-use control.	II - d
17 Apr. 1973	The Land Commission Act	Provides for province-wide zoning of agricultural lands by the co-ordinated efforts of Municipalities, Regional Districts, the U. C. Land Commission and the Cabinet. Allows the Land Commission to buy land for GREENBELT, PARKLANDS, LANDBANK and FARMLAND PURPOSES.	II - e

93D CONGRESS
1ST SESSION

S. 268

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 1973

Mr. JACKSON (for himself, Mr. BELLMON, Mr. BENNETT, Mr. CHURCH, Mr. DOMINICK, Mr. FANNIN, Mr. GRAVEL, Mr. GURNEY, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUYE, Mr. MAGNUSON, Mr. METCALF, Mr. MOSS, Mr. PASTORE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STEVENS, Mr. TAFT, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Land Use Policy and
- 4 Planning Assistance Act of 1973".

VII—O

1 TITLE I—FINDINGS, POLICY, AND PURPOSE

2 FINDINGS

3 SEC. 101. (a) The Congress hereby finds that there is
4 a national interest in a more efficient system of land use plan-
5 ning and decisionmaking and that the rapid and continued
6 growth of the Nation's population, expanding urban develop-
7 ment, proliferating transportation systems, large-scale indus-
8 trial and economic growth, conflicts in patterns of land use,
9 fragmentation of governmental entities exercising land use
10 planning powers, and the increased size, scale, and impact
11 of private actions, have created a situation in which land use
12 management decisions of wide public concern often are being
13 made on the basis of expediency, tradition, short-term eco-
14 nomic considerations, and other factors which too frequently
15 are unrelated or contradictory to sound environmental, eco-
16 nomic, and social land use considerations.

17 (b) The Congress finds that the task of land use plan-
18 ning and management is made more difficult by the lack of
19 understanding of, and the failure to assess, the land use im-
20 pact of Federal, regional, State, and local programs and pri-
21 vate endeavors which do not possess or are not subject to
22 readily discernible land management goals or guidelines; and
23 that a national land use policy is needed to develop a na-
24 tional awareness of, and ability to measure, the land use im-

3'
II-b

Read first time February 12, 1973, and referred to Committee
on State Government.

HOUSE BILL NO. 791

State of Washington
43rd Regular Session

by Representatives Bluechel,
Williams, Zimmerman, Charnley,
Kopet, Brown, North (Lois),
Matthews, Kraabel, Patterson,
Hoggins, Perry, Rabel, Nelson
and Blair

FINDINGS, POLICY AND PURPOSE

1
2 NEW SECTION. Section 1-101. FINDINGS. (1) The legislature
3 finds that while the primary responsibility for land use planning and
4 management rests with local governments, the manner in which this
5 responsibility is exercised has a tremendous influence upon the
6 utility, the value, and the future of the public domain and state
7 lands; that the lack of a state land use policy has created
8 difficulties for local planning efforts; and that the failure to plan
9 or, in some cases, the existence of poor or ineffective planning and
10 regulation at the local level poses serious problems of broad state
11 concern and often results in irreparable damage to natural assets
12 which are of great importance to the people of the state.

13 (2) The legislature hereby finds that there is a state
14 interest in an efficient system of land use planning and
15 decision-making, and that the continued growth of the state's
16 population, expanding urban development, conflicts in patterns of
17 land use, fragmentation of governmental entities exercising land use
18 planning powers, and the increased size, scale, and impact of private
19 actions have created a situation in which land use decisions of view
20 public concern often are being made on the basis of expediency,
21 tradition, short-term economic considerations, and other factors
22 which too frequently are unrelated or contradictory to the real
23 concerns of sound planning.

24 (3) The legislature finds that certain areas and certain types
25 of development are of such importance to the well-being of the people
26 of the state as to warrant exceptional consideration in the planning
27 and regulatory process, and that the state has an obligation to
28 formulate criteria for identifying these significant areas and
29 developments and the subsequent responsibility of specifying and then
30 continually monitoring them.

31 (4) The legislature finds that the task of land use planning
32 and management is made more difficult by the lack of understanding
33 of, and the failure to assess, the land use impact of federal, state,

ONTARIO LEGISLATURE

Mr. R. P. Nixon: He said we should ask the minister for his views.

Hon. Mr. Stewart: Well the member has my views, in that I just don't see how it's possible to pay compensation for land that may be put under land-use control. I think, Mr. Speaker, it is well to recall that the Ontario Federation of Agriculture and indeed most other farm organizations—and I think particularly of the Ontario Soil and Crop Improvement Association—have been urging for some time that there be a total land-use programme for the Province of Ontario. That having been the case, and the government having taken the initiative with this bold venture of placing the development programme for the entire province for land use at the disposal of the local municipalities within the guidelines that are laid down in what I think is a very excellent Act, introduced by the provincial Treasurer (Mr. White), then I don't see how it is possible for us to possibly pay compensation on all acreage land in this province. To me, it just is not possible and I don't think it is really expected.

A great many farmers have said to me that while it would be a very desirable thing to have—

made up of representatives from local councils and provincial nominees, to prepare a report to the Government last December. The Government rejected the Government first began commissioning reports on the area. One of the main prob-

Unprecedented controls necessary, Davis says in introducing land bills

Fremie William Davis made it plain yesterday that the days when someone could do whatever he liked with his land have passed.

They have passed because of the threat of urban sprawl and yesterday the Government introduced three bills in the Legislature designed in different ways and in different areas to check indiscriminate development.

The Government made an event of it. The House was adjourned for the afternoon and MPs and municipal politicians gathered in an auditorium to hear and see what it all meant.

Mr. Davis, opening the presentation, told them he was sure they all recognized "the vital necessity of checking urban sprawl, of preserving community identity and of ensuring that there will always be sufficient green space among the grey."

"I am sure, too, that collectively the public recognizes this need for some form of control and considers it to be a commendable and necessary goal," he said.

But to achieve this goal the Government is having to impose regulations for the planning of land use on a scale previously unknown in Onta-

rio. "Traditionally, ownership of a plot of land has been an individual's most cherished mark of independence, and there was a time when the owner enjoyed the privilege of putting his land to whatever use he chose."

"Now we are faced with the threat of urban sprawl. If we are to halt its advance and to control it, all of us—with the co-operation of the private sector—must agree upon some basic principles governing future use of our land," Mr. Davis said.

"There may be those who will say that what we are proposing goes too far. Others may contend that our proposals do not go far enough. We feel that the presentation you are about to see, treads a course of reason between extreme points of view."

The Legislation introduced yesterday would allow the province to force municipalities to produce land-use plans, set up a commission to produce a master plan for the Niagara Escarpment, and establish a series of parks—and parks associated with utility corridors—to separate towns north and west of Toronto.

Mr. Davis said the legislation presents a policy framework within which there will be room for debate, discussion and amendment.

II. e

Certified correct as passed Third Reading on the 17th day of April, 1973.
I.M. HORNE, Law Clerk.

HON. MINISTER OF AGRICULTURE.

BILL

No. 42]

[1973

Land Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpre-
tation.

1. In this Act, unless the context otherwise requires,
"agricultural land" means land designated under section 8;
"commission" means the commission established under section 2;
"commission land" means land acquired by the commission for the purposes of this Act;
"farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council;
"green belt land" means land referred to in section 7;
"land" includes any estate or interest in land;
"land bank land" means land referred to in section 7;
"land reserve plan" means a plan prepared pursuant to this Act in the manner prescribed by the regulations, which sets out clearly the areas within a municipality or regional district that, subject to the approval of the Lieutenant-Governor in Council, may be designated by the commission as an agricultural land reserve;
"minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;
"park land" means land referred to in section 7;
"regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act;
"reserve" means a reserve of land established under section 8 of this Act.

Commission
established.

2. (1) There is hereby established a commission to be known as the Provincial Land Commission (hereafter referred to as the "commission") consisting of not less than five members appointed by the Lieutenant-Governor in Council, to hold office during pleasure, and upon their appointment the members constitute a corporation and shall be the directors thereof.

(2) Each member shall be reimbursed for any reasonable travelling or out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine.

(3) Except as provided in sections 8 and 9, at any meeting of the commission, a majority of the members constitutes a quorum.

Chairman.

3. The Lieutenant-Governor in Council shall designate one of the members as chairman and one other member as vice-chairman.

Agent of
Crown.

4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property.

Staff.

5. (1) The commission may, pursuant to the *Civil Service Act*, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the *Civil Service Act* applies to him.

(3) The Lieutenant-Governor in Council may declare that the *Civil Service Superannuation Act* applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration.

By-laws,
etc.

6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the procedure to be followed at the meetings, and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them.

Objects
and
powers.

7. (1) It is the object of the commission to

- (a) preserve agricultural land for farm use;
- (b) encourage the establishment and maintenance of family farms, and land in an agricultural land reserve, for a use compatible with the preservation of family farms and farm use of the land;
- (c) preserve green belt land in and around urban areas;
- (d) encourage the establishment and maintenance of land in a green belt land reserve for a use compatible with the preservation of a green belt;
- (e) preserve land bank land having desirable qualities for urban or industrial development and restrict subdivision or use of the land for other purposes;
- (f) encourage the establishment and maintenance of land in a land bank land reserve for a use compatible with an ultimate use for industrial and urban development;
- (g) preserve park land for recreational use;
- (h) encourage the establishment and maintenance of land in a park land reserve for a use compatible with an ultimate use for recreation; and

- (h1) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with any department of Government, or with a municipality or regional district to

- (i) purchase or acquire land, except by expropriation, on such terms and conditions as may be negotiated, and hold such land for the purposes of this Act;
- (j) dispose of, by sale, lease, or otherwise, commission land and Crown land that is in an agricultural land reserve, a green belt land reserve, a land bank land reserve, or a park land reserve, subject to such terms and conditions as the commission may determine;
- (k) accept gifts of land subject to such terms and conditions as the commission may determine;
- (l) acquire and hold personal property and dispose of personal property so acquired by sale, lease, or otherwise; and
- (m) if authorized by any other Act, purchase or otherwise acquire, hold, administer, and dispose of land, including Crown land, for the purposes of that other Act.

(2) For the purposes of this section, the commission may

- (a) purchase or acquire land, except by expropriation, including Crown land, the present condition or future potential of which merits preservation by reason of its aesthetic quality or its location in or around urban areas, as green belt land;
- (b) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for urban or industrial development or redevelopment, as land bank land; and
- (c) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for, or future potential for, recreational use, as park land;

and, upon being so purchased or acquired, the green belt land, land bank land, or park land is established as

- (d) a green belt land reserve; or
- (e) a land bank land reserve; or
- (f) a park land reserve,

as the case may be, and shall be subject to this Act and the regulations.

**Agricultural
land reserves.**

8. (1) For the purposes of section 7, the commission may, subject to this section, with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is suitable for farm use, as agricultural land, and, upon being so designated, the agricultural land is

established as an agricultural land reserve and shall be subject to this Act and the regulations.

(2) The regional board of every regional district, either alone, or in co-operation with its member municipalities, shall, with the advice and assistance of the commission if required, including such financial assistance as may be determined by the commission, within ninety days after the coming into force of this Act or within such further time as the commission may allow, by by-law, adopt a land reserve plan prepared in accordance with the regulations and file the by-law and land reserve plan with the commission.

(3) The council or regional board, as the case may be, shall not adopt a by-law for the purpose of this section until it has held a public hearing, notice of which has been published in the manner prescribed in section 703 of the *Municipal Act*, and except upon the affirmative vote of a majority of all the members of council or of all the directors of a regional board.

(4) The provisions of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under subsection (3).

(5) Where the commission considers that the land reserve plan filed under subsection (2) carries out the intent and purpose of this Act, it shall, after approval of the Lieutenant-Governor in Council, designate the agricultural land shown therein as an agricultural land reserve.

(6) Where the commission considers it necessary or advisable to amend the land reserve plan filed under subsection (2) to better carry out the intent and purpose of this Act, it may recommend to the Lieutenant-Governor in Council amendments to the land reserve plan, and shall, after approval by the Lieutenant-Governor in Council of the land reserve plan or the land reserve plan as amended, designate the agricultural land therein as an agricultural land reserve.

(7) Where the council or regional board of a municipality or regional district, as the case may be, fails or refuses to prepare and file a land reserve plan with the commission in accordance with subsection (2), the commission shall, subject to subsections (8), (9), and (10), prepare a land reserve plan and submit the land reserve plan to the Lieutenant-Governor in Council for approval.

(8) The commission shall not submit the land reserve plan prepared under subsection (7) to the Lieutenant-Governor in Council until it has held a public hearing, notice of which has been published in the manner prescribed in subsection (1) of section 703 of the *Municipal Act*, and the provisions of subsections (2), (3), and (4) of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under this subsection.

(9) For the purpose of a hearing under subsection (8),

- (a) the commission has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the *Public Inquiries Act*;

- (b) the commission may accept written submissions or any other form of evidence; and
- (c) notwithstanding subsection (3) of section 2, three members of the commission have and may exercise all the powers of the commission.

(10) The Lieutenant-Governor in Council may approve a land reserve plan as submitted by the commission under subsection (7), or with such alterations or variations as he may consider necessary or advisable to carry out the intent and purpose of this Act, and the commission may thereupon, pursuant to subsection (1), designate the agricultural land shown therein as an agricultural land reserve.

(11) Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission.

Exclusion
from agri-
cultural land
reserve.

9. (1) The Lieutenant-Governor in Council may, upon the application of a municipality, regional district, or the commission, or on his own, by order, exclude any land, whether Crown land or private land, from the reserve established under subsection (1) of section 8.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of an agricultural land reserve under section 8 may, notwithstanding that he appeared before, or made representations to, the municipality, or regional district, or the commission under subsection (3) or (8) of section 8, apply to the commission in the manner prescribed by the regulations to have his land excluded from the agricultural land reserve.

(3) The commission, after a hearing held in such manner and after such notice as is prescribed by the regulations, may allow the application upon such terms and conditions as it considers advisable, or may refuse the application.

(4) Notwithstanding subsection (3) of section 2, for the purpose of the hearing, three members of the commission have and may exercise all the powers of the commission.

(5) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of a municipality or a regional district, as the case may be.

- (6) The commission shall, at the request of the owner,
 - (a) deliver to him its decision in writing; and

- (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.
- (7) A person who is dissatisfied with the decision of the commission,
 - (a) upon being authorized to appeal by a resolution of the municipality or regional district, as the case may be; and
 - (b) upon being granted leave to appeal by any two members of the commission,

may appeal, in the manner prescribed in the regulations to the Environment and Land Use Committee established under the *Environment and Land Use Act*.

(8) Subject to the procedure prescribed by the regulations, an appeal under this section shall be a hearing and review, but the Environment and Land Use Committee may accept written submissions or any other form of evidence, provided any such submission or other form of evidence is made available to the appellant.

(9) The Environment and Land Use Committee may, after a hearing, allow the appeal, subject to such terms and conditions as it may consider advisable, or refuse the appeal; and, in the event the appeal is refused, may order that any costs of the hearing be paid by the appellant, and, in the event the appeal is allowed, shall order that the reasonable costs incurred by the appellant be paid by the commission.

(10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

(11) Where land is excluded from a land reserve plan by order of the commission or the Environment and Land Use Committee under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles.

**Agricultural
land reserve.**

10. (1) No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the *Land Registry Act*, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title, to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the *Land Registry Act* shall note on every certificate of title of agricultural land hereafter issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), the commission may, in respect of any agricultural land that is an agricultural land reserve, register a caveat in the appropriate Land Registry Office restricting the agricultural land described therein to farm use.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose,

- (a) no municipality, or regional district, or any authority, board, or other agency established by it shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (b) no person, designated or appointed under the *Local Services Act*, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (c) no approving officer under the *Land Registry Act* and no approving officer or Board of Variance under the *Municipal Act* shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and
- (d) no Registrar of Titles under the *Land Registry Act* shall accept an application for deposit of a plan of subdivision under the *Land Registry Act*, or under the *Strata Titles Act*, or under the *Real Estate Act*, all or part of which consists of agricultural land in an agricultural land reserve.

Exemption.

11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title issued under the *Land Registry Act*, less than two acres in area.

(2) Where a use of agricultural land that is within an agricultural land reserve

- (a) is a use other than farm use; and
 - (b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and
 - (c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use,
- that agricultural land is exempted from section 10 unless and until
- (d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or

(e) any other Act, regulation, by-law, order, or any other law made after the twenty-first day of December, 1972, prohibits such use; or

(f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.

(3) Where agricultural land, exempted under subsection (2), is sold, leased, transferred, transmitted, or otherwise disposed of, this Act and the regulations thereupon apply to that land, except as otherwise permitted by the commission.

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsections (2) and (3), and under subsections (1) and (4) of section 10, and may grant or refuse permission for a use of the land for other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5), the decision of the commission is final and no appeal lies from that decision.

(4a) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission for permission for any other use under section 10 or 11, unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(5) An owner of land aggrieved

(a) by an order or decision of the commission refusing permission under subsection (1) or (4) of section 10 or under this section; or

(b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (4) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the *Summary Convictions Act* respecting appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission.

Additional
powers re
agricultural
land.

12. With respect to agricultural land designated as an agricultural land reserve, the commission may

(a) make agreements with the owners of agricultural land respecting continued farm use of the agricultural land upon such terms and conditions as may be agreed;

(b) carry on farming operations on commission land or agree with other persons to do so;

(c) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the prior approval of the Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the *Land Act*;

- (d) dispose of agricultural land owned by the commission, with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine; and
- (e) subject to the approval of the Minister of Finance, or of the Minister of Municipal Affairs, as the case may be, establish a system of tax incentives to encourage the dedication of privately owned agricultural land to permanent farm use, and to increase the agricultural productivity thereof.

**Capital
improvements.**

13. The commission may make, place, or construct on or bring onto, or cause to be made, placed, or constructed on or brought onto, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought onto any commission land by any person.

Taxes.

14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes.

Fees.

15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land, and for copies of documents of the commission.

**No right to
compensation
in respect
of reserve
land.**

16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve.

Agreements.

17. For the purposes of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

- (a) the Government of Canada;
- (b) a municipality;
- (c) a regional district;
- (d) an agent of the Crown; or
- (e) any other department of Government.

Reports.

18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;

- (b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

Regulations.

19. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith; and every regulation shall be deemed to be part of this Act and has the force of law; and, without restricting the generality of the foregoing, the Lieutenant-Governor in Council may make regulations and orders

- (a) respecting land reserve plans for, and the designation, establishment, and approval of, agricultural land reserves, and the designation of farm use;
- (b) respecting applications to the commission for permission under section 10 and section 11, and the practice and procedure for hearing the application, and for applications, hearings, and appeals under sections 8 and 9;
- (c) respecting residences for owners under subsection (4) of section 10;
- (d) respecting the appraisal of land and the acquisition, by purchase or lease, of land;
- (e) respecting applications for sale or lease of commission land or personal property, or Crown land that is in a reserve, and the terms and conditions of sale or lease;
- (f) respecting the management and control of commission land;
- (g) prescribing the method of determining the eligibility of applicants to lease or purchase commission land;
- (h) prescribing the interest payable in respect of purchases from the commission or arrears of rents;
- (i) providing for varying, waiving, postponing, or rescheduling of interest or rent or the payment of interest or rent; and
- (j) respecting any other matter required for carrying out the purpose of this Act.

**Application
of other
Acts.**

20. (1) This Act is subject to the *Environment and Land Use Act*, and the *Pollution Control Act, 1967*, but otherwise, except as provided in this Act or in the regulations, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, department of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) Notwithstanding the *Land Act* or any other Act or law, the commission, as agent of Her Majesty in right of the Province, shall administer as commission land all Crown land that is established under section 7 or 8 as reserve land, and may sell, lease, or otherwise dispose of any portion of such land in accordance with this Act upon such terms and conditions as the commission may determine.

(3) Notwithstanding subsection (1), where Crown land that is established as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use of agricultural land than those provided by this Act and the regulations is not, for that reason alone in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the *Companies Act* does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the *Companies Act* apply to the commission, and those provisions thereupon apply to the commission.

Appropriation.

21. (1) For the purposes of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the

commission, an amount not exceeding in the aggregate twenty-five million dollars.

(2) For the purposes of this Act and the establishment of green belt land reserves, land bank land reserves, or park land reserves, the Minister of Finance may pay under the *Green Belt Protection Fund Act* or the *Accelerated Park Development Fund Act*, or any other Act that authorizes moneys to be paid for such purposes, such amounts as he may consider necessary for the purpose of this Act.

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

**Commence-
ment.**

22. (1) This Act, excepting this section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation and he may fix different dates for the coming into force of the several provisions of this Act; and the date of the coming into force of any of the provisions of this Act may be declared to be before or after the enactment of this Act.

(2) Where the date of the coming into force of any of the provisions of this Act is prior to the enactment of this Act, that provision of the Act is retroactive to the extent necessary to give full force and effect to that provision on, from, and after that date.

(3) This section comes into force on Royal Assent.

SUMMARY:*

LAND COMMISSION ACT - OBJECTS and POWERS

* FOR USE ONLY AS A GUIDE TO THE STATUTE ITSELF

OBJECTS

HISTORICAL CULTURAL LAND

7(1)

- (a) PRESERVE "AGRICULTURAL LAND" FOR "FARM USE"
- Lands designated under S. 8.
- Ag. occupation or use for bona fide farm purposes.
+
similar activity designated by Min. Agr. in Council.

- (b) ENCOURAGE • ESTABLISHMENT + MAINTENANCE OF FAMILY FARMS + LAND IN AGRIC. RESERVE FOR A USE COMPATIBLE WITH PRESERVATION OF FAMILY FARMS AND FARM USE OF THE LAND.

- (h 1) ADVISE + • MUNICIPALITIES & ASSIST • REGIONAL DISTRICTS IN PREPARATION + PRODUCTION OF LAND RESERVE PLANS REQUIRED FOR THE PURPOSES OF THIS ACT.
- areas that may be designated by the Commission as an agricultural land reserve.

OBJECTS

GREENBELT LAND

7(1) (c) PRESERVE GREEN BELT LAND IN AND AROUND URBAN AREAS
(NOT FURTHER DEFINED)

(d) ENCOURAGE { • ESTABLISHMENT
+ OF LAND IN A GREENBELT RESERVE FOR A USE COMPATIBLE WITH PRESERVATION OF A
• MAINTENANCE GREEN BELT.

(e) PRESERVE LAND BANK LAND (NOT FURTHER DEFINED) { having desirable qualities
for
• URBAN or
• INDUSTRIAL development. (AND) RESTRICT { • SUBDIVISION
• USE OF SUCH LAND FOR OTHER PURPOSES.

(f) ENCOURAGE { • ESTABLISHMENT
+ OF LAND IN A LANDBANK LAND RESERVE FOR A USE COMPATIBLE WITH AN ULTIMATE USE
• MAINTENANCE FOR { • INDUSTRIAL DEVELOPMENT
• and URBAN

PARK LAND

(g) PRESERVE PARK LAND FOR RECREATIONAL USE.
(NOT FURTHER DEFINED)

(h) ENCOURAGE { • ESTABLISHMENT
+ OF LAND IN A PARKLAND RESERVE FOR A USE COMPATIBLE WITH AN ULTIMATE USE FOR RECREATION.
• MAINTENANCE

POWER + CAPACITY * FOR "THE OBJECTS"

COMMISSION

7(1)

BY ITSELF, WITH CANADA, OR WITH B.C., OR WITH A MUNICIPALITY OR REGIONAL DISTRICT

(i) PURCHASE + HOLD LAND FOR THE PURPOSES OF THE ACT

(j) DISPOSE OF • COMMISSION LAND + • CROWN LAND
 { land acquired by the Commission for the purposes of the Act }
 { in any reserve. }

(k) ACCEPT GIFTS OF LAND

(l) ACCEPT + HOLD PERSONAL PROPERTY

(m) * PURCHASE OR OTHERWISE ACQUIRE,
 HOLD,
 ADMINISTER, +
 DISPOSE OF } LAND (INCLUDING CROWN LAND)

FOR THE PURPOSES OF THE OTHER ACT

* IF AUTHORIZED BY ANY OTHER ACT

POWER + CAPACITY

FOR "THE PURPOSES OF SECTION 7"

COMMISSION

7(2)

(a) PURCHASE LAND (INCLUDING CROWN LAND) $\left\{ \begin{array}{l} \text{THE PRESENT CONDITION} \\ \text{OR} \\ \text{FUTURE POTENTIAL} \\ \text{OF WHICH} \end{array} \right\}$ MERITS PRESERVATION AS GREEN BELT LAND BY REASON OF $\left\{ \begin{array}{l} \text{ITS AESTHETIC QUALITY} \\ \text{OR} \\ \text{ITS LOCATION IN OR} \\ \text{AROUND URBAN AREAS.} \end{array} \right\}$

(b) PURCHASE LAND (INCLUDING CROWN LAND) HAVING DESIRABLE QUALITIES $\left\{ \begin{array}{l} \text{FOR} \\ \bullet \text{ URBAN} \\ \text{OR} \\ \bullet \text{ INDUSTRIAL} \end{array} \right\}$ $\left\{ \begin{array}{l} \text{DEVELOPMENT} \\ \text{OR} \\ \text{REDEVELOPMENT} \end{array} \right\}$ AS LAND BANK LAND

(c) PURCHASE LAND (INCLUDING CROWN LAND) HAVING DESIRABLE QUALITIES $\left\{ \begin{array}{l} \bullet \text{ FOR,} \\ \bullet \text{ OR FUTURE} \\ \text{POTENTIAL} \\ \text{FOR} \end{array} \right\}$ RECREATIONAL USE AS PARK LAND

AND UPON BEING SO PURCHASED THE LAND IS "ESTABLISHED AS" $\left\{ \begin{array}{l} \bullet \text{ A GREENBELT LAND RESERVE,} \\ \bullet \text{ A LAND BANK LAND RESERVE,} \\ \bullet \text{ A PARK LAND RESERVE} \end{array} \right\}$ OR } AND SHALL BE SUBJECT TO THE ACT & REGULATIONS.

DESIGNATION

via occupation or use for
various farm purposes
+
similar activity designated
by the local Gov. or Council
SUITABLE FOR "FARM USE"

AGRICULTURAL RESERVES

8

- (1) COMMISSION MAY DESIGNATE LAND AS 'AGRICULTURAL LAND' ...
for the purposes of Section 7 with prior approval of the local Gov. or Council
(INCLUDING CROWN LAND)

... AND UPON BEING SO DESIGNATED IS ESTABLISHED AS AN "AGRICULTURAL LAND RESERVE"
and shall be subject to this Act and Regulations.

- (2) • BOARD OF EVERY REGIONAL DISTRICT, and } SHALL WITHIN NINETY DAYS {
• EVERY MUNICIPALITY NOT WITHIN A REGIONAL DISTRICT }
with the ADVICE and ASSISTANCE of the COMMISSION, including FINANCIAL ASSISTANCE ...
or within such FURTHER TIME as the Commission may allow
• ADOPT BY BY-LAW A "LAND RESERVE PLAN" ^{setting out clearly agricultural land}
and
• FILE BY-LAW AND PLAN WITH COMMISSION

- (3) • BOARD of REGIONAL DISTRICT } SHALL NOT ADOPT A BY-LAW UNTIL IT HAS HELD A PUBLIC HEARING, AND ON AFFIRMATIVE VOTE/MAJORITY
• COUNCIL of MUNICIPALITY }
as in Section 703 of the Municipal Act

- (4) SECTION 703 of MUNICIPAL ACT, WITH NECESSARY CHANGES, SHALL APPLY TO SUCH HEARINGS.

DESIGNATION

8

- (5) COMMISSION, WHERE IT CONSIDERS "LAND RESERVE PLANS" FILED WITH IT, CARRY OUT THE { • INTENT +
• PURPOSE OF THE ACT ...

... SHALL DESIGNATE THE LAND AS AN "AGRICULTURAL LAND RESERVE."
after approval of
the Lieut. Gov. in
Council

- (6) COMMISSION MAY RECOMMEND AMENDMENTS TO "LAND RESERVE PLANS" FILED WITH IT

to better carry out
the INTENT and
PURPOSE of the ACT.
to the Lieut.
Gov. in Council.

- (7) WHERE { • BOARD or
• COUNCIL { • FAILS or
• REFUSES TO PREPARE AND FILE A "LAND RESERVE PLAN" WITH THE COMMISSION ...

... COMMISSION SHALL { • PREPARE
and
• SUBMIT A LAND RESERVE PLAN TO THE LIEUT-GOV. IN COUNCIL FOR APPROVAL

- (8) -- but not until it has
held a PUBLIC HEARING etc. etc.
as in 703 of MUN. ACT

- (9) -- "PUBLIC INQUIRY ACT" etc. etc.
applies

- (10) LIEUT-GOV. IN COUNCIL MAY APPROVE PLAN AS SUBMITTED (or with alterations or variations considered necessary or advisable)

EXCLUSION

9

(1) LIEUT-GOV. IN COUNCIL MAY UPON APPLICATION OF A

- MUNICIPALITY, or
 - REGIONAL DISTRICT, or
 - THE COMMISSION, or
 - HIMSELF,
- EXCLUDE LAND FROM AN AGRICULTURAL RESERVE.

(2) AGRI-CULTURED OWNER OF LAND IN AGRICULTURAL RESERVE MAY APPLY TO THE COMMISSION TO HAVE LAND EXCLUDED.

[BUT]

(5) IF LAND ZONED AGRICULTURAL OR FARM USE PRIOR TO 21 DEC 72, RESOLUTION OF MUNICIPALITY OR REG. DISTRICT IS NEEDED.

(7) AGRI-CULTURED OWNER MAY APPEAL TO ENVIRONMENT & LAND USE COMMITTEE IF

- * AUTHORIZED BY { MUNICIPALITY
OR
REGIONAL DISTRICT.
- + GRANTED LEAVE TO APPEAL BY TWO MEMBERS OF THE COMMISSION.

↑
(10) COMMISSION IS ENTITLED TO BE A PARTY

* UNDER "ENVIRONMENT AND LAND USE ACT"

an occupation or use
for bona fides
farm purposes

IMPLEMENTATION

10 (1) NO PERSON SHALL <sup>OCCUPY
~
USE</sup> AGRICULTURAL RESERVE LAND FOR OTHER THAN FARM USE ---

NB. "LAND" IN LAW MEANS LAND
AND IMPROVEMENTS.

--- EXCEPT AS PERMITTED BY {
• THIS ACT (SEE S. 11 IN PARTICULAR),
• THE REGULATIONS UNDER THIS ACT, OR
• AN ORDER OF THE LAND COMMISSION.

(4)(a) NO {
• MUNICIPALITY,
• REGIONAL DISTRICT,
• AUTHORITY etc.etc.

SHALL AUTHORIZE:

EXCEPT: as permitted
• BY THIS ACT
• BY THE REGULATIONS
• BY THE COMMISSION

AGRICULTURAL RESERVE LAND TO BE USED FOR OTHER THAN FARM USE;

OR

BUILDINGS TO BE ERECTED THEREON, EXCEPT

{
• for farm use;
• for residences
necessary for
farm use;
• Such residences for
the owner or
may be permitted
by the regulations.

(4)(b) NO PERSON UNDER THE "LOCAL SERVICES ACT" SHALL AUTHORIZE etc.etc. (Same as (4)(a)).

(4)(c) NO APPROVING OFFICER (OF) BOARD OF VARIANCE SHALL AUTHORIZE AGRICULTURAL RESERVE LAND TO BE USED FOR OTHER --
<sup>UNDER the "LAND REGISTRY ACT"
or the "MUNICIPAL ACT"</sup> THAN FARM USE.

(4)(d) NO REGISTRAR OF TITLES SHALL ACCEPT A SUBDIVISION PLAN OF LAND ALL OR PART OF WHICH CONSISTS OF AGRICULTURAL --
<sup>UNDER "THE LAND REGISTRY ACT"
"THE STRATA TITLES ACT" or</sup> RESERVE LAND.

EXEMPTIONS

FROM AGG. IL. AL RESERV. RESTRICTIONS

Sec. 10.

- 11 (1) LOT OF LESS THAN 2 ACRES ON SEPARATE TITLE ON 21 DEC 1972.
- (2) NON-CONFORMING USE FOR AT LEAST SIX MONTHS PRIOR TO 21 DEC 1972 (NOT OTHERWISE AGAINST THE LAW)

BUT EXEMPTION DOES NOT APPLY IF:

(d) USE IS CHANGED TO ANOTHER NON-FARM USE WITHOUT COMMISSION APPROVAL.

(e) ANY OTHER ACT PROHIBITS THE USE.

(f) ANY PERMIT UNDER ANOTHER ACT, BY-LAW OR EXPIRES.

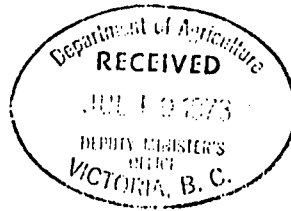
(3) IF SOLD, LEASED, TRANSFERRED, OR OTHERWISE DISPOSED OF, EXCEPT AS PERMITTED BY THE COMMISSION.

(4) COMMISSION MAY HEAR APPLICATIONS FOR PERMISSION UNDER S. 11 (2) & (3) and 10 (1) & (5)

AND MAY IMPOSE CONDITIONS,

AND DECISION OF THE COMMISSION IS FINAL, EXCEPT

ON A QUESTION OF LAW OR EXCESS OF JURISDICTION



MEMORANDUM

TO: ALL REGIONAL DISTRICT BOARDS AND ALL MUNICIPAL COUNCILS

FROM: BRITISH COLUMBIA LAND COMMISSION

RE: AGRICULTURAL LAND RESERVES

- (a) Preparation of Agricultural Land Reserve Plans.
- (b) Form of Agricultural Land Reserve Plans.
- (c) Coordination of Regional Plans with Land Reserve Plan.
- (d) Where Urban Encroachment on Suggested Agricultural Reserve Land Appears Unavoidable.
- (e) Statutory Notice of the Hearing.
- (f) Nature and Conduct of the Hearing.
- (g) The Effect of the Agricultural Reserve on Local Zoning.
- (h) Further Assistance.

July 11, 1973

Now that the Land Commission has had the benefit of visiting more than half of the Province's 28 Regional Districts, it is possible to clarify and summarize the responsibilities of the various Regional Boards and the Commission in the light of information gained to date.

(a) PREPARATION OF AGRICULTURAL "LAND RESERVE PLANS"

As you have been advised, members of the British Columbia Department of Agriculture have prepared suggested (1st draft) reserve plans for the assistance of each Regional Board. These plans are the result of extensive work done under the Federal-Provincial Canada Land Inventory Program and have been (or will be) made available to your Board on the occasion of the visit of the Department of Agriculture representative.

In partial discharge of the Commission's obligation to assist Regional Districts in the preparation of their Agricultural Reserve Plans, we have now arranged for the preparation of a 2nd draft of the original suggested reserve plans. These will be based on, or be drawn with reference to, legal boundaries and should save the staff of each Board a great deal of time. While good use may be made of the 1st draft plans in checking anomalies better known to local authorities, the 2nd draft plans, as amended by the Boards, should be used at the public hearings. It is hoped to get the 2nd draft plans into the hands of the Boards well before the likely date of the first public hearings. The plans, as amended, can serve as the official land reserve plans accompanying the by-law required to be filed with the Commission by section 8(2) of the Land Commission Act, if the Board so wishes.

(b) FORM OF AGRICULTURAL LAND RESERVE PLANS

For consistency and convenience sake, it is recommended that the Regional Districts should use a uniform format and base maps for the official Agricultural Land Reserve Plans (ALRP). The Commission is prepared to help the Regional Districts with this task to the extent of supplying a map with suggested boundaries related to legal lines at a scale of 1: 50,000 (1½" to 1 mile). The Commission will accept additional supplementary maps at a larger scale where the Regional District thinks they are necessary. The acceptable scales are suggested as 1: 25,000 (2½" to 1 mile) and 1" to 800 feet (1: 10,000). Alternatives are 1" to 2000' (1: 24,000) and 1" to 1000' (1: 12,000). These larger scales may be needed for areas adjacent to settlements.

The Commission will, as mentioned, supply draft ALRP maps at 1: 50,000. These will be prepared on mylar bases, reversed printed with district lots, so that the map may be altered by the Regional District simply by dampening and erasing the ink lines on the front. The Commission will supply maps at 1: 25,000 for specific sections where requested by the Regional District. We assume that a Regional District that wishes to use a scale of 1" to 800' (or 1" to 1000') already has base maps available.

(c) COORDINATION OF "REGIONAL PLANS" WITH "LAND RESERVE PLANS"

In the Commission's opinion, there is no reason why the Agricultural Land Reserve Plans cannot be prepared and filed with the Commission prior to the completion or adjustment of the Regional Plan envisaged under section 795 of the Municipal Act. We believe the effect of the Land Commission Act is to

create a statutory priority of land use in favour of agricultural land. This ought to be recognized in due course in the Regional Plans of all districts, but there does not seem to be any reason why the agricultural reserve cannot be established first; that is, within the ninety days called for in section 8(2) of the Land Commission Act.

For those districts not far along in the preparation of their regional plans, the initial responsibility would be the adoption of an Agricultural Land Reserve Plan with emphasis being placed on the information supplied by the Canada Land Inventory, as implied in the suggested Reserve Plan. Later, after a carefully considered Regional Plan (for Municipal Act purposes) has been prepared by your Board, it would be possible under Section 9(1) of the Land Commission Act for the Regional District to apply for the exclusion of land from the Agricultural Reserve where a lack of other options makes such a step necessary to accommodate urban uses.

The existence of a Regional Plan (official or otherwise) created prior to the availability of the Canada Land Inventory (Agricultural) would not, it seems, relieve the Regional District Board from the responsibility of reconsidering their existing plans in light of new facts contained in the land inventory and the new farm land priority established by the legislature under the Land Commission Act.

(d) WHERE URBAN ENCROACHMENT ON SUGGESTED AGRICULTURAL RESERVE LAND APPEARS UNAVOIDABLE

Most of the suggested Agricultural Reserve Plans prepared by the Department of Agriculture show areas (in pink) for urban expansion into non-agricultural land near the existing communities. These expansion areas are often equivalent in size to the built-up areas themselves. It would seem reasonable that unbuilt portions of our present towns, as well as the above-noted expansion areas, ought to be considered first when planning future urban growth.

In situations where the Regional Board believes that some encroachment on the suggested Agricultural Reserve is unavoidable, either by reason of lack of alternatives, or because of the existence of substantial, partially used, public works designed to serve the vacant area, it is felt that the agricultural land proposed to be given over to urban uses ought not exceed that required in the next five years of predicted growth. Development beyond the five-year time span, if documented in a formal, long range plan, may be filed with the Commission for its information.

(e) STATUTORY NOTICE OF THE HEARING

Section 8(3) of the Land Commission Act makes the publication of the notice of the public hearing "in the manner prescribed in section 703 of the Municipal Act" a necessary prerequisite to the adoption, by by-law, of an Agricultural Reserve Plan by a Regional Board. It should be noted that the reference in section 8(3) is to "publish" only; hence, it will not be necessary to mail notices to owners and occupiers. In addition to the legal notice required, a display ad drawing attention to the legal notice should be published elsewhere in the newspaper.

(f) NATURE AND CONDUCT OF THE HEARING

Under the Municipal Act relative to a public hearing to consider the adoption of a new zoning classification, one of the things considered at the public hearing is whether the new classification ought to be adopted at all. Under the Land Commission Act, however, the legislature has already decided (in section 8(2)) that "the regional board of every regional districts --- shall --- adopt a land reserve plan." Debate on whether any plan ought to be adopted in the first place would thus seem out of order at the Board's hearing on the plan. If this point is made clear in advertising the hearing and stressed at the outset of the hearing, some needless discussion will be avoided.

What is relevant is whether the citizen's land is "suitable for farm use." In light of the objects of the Act, "suitable" is perhaps best judged in terms of the soil and climate conditions, not on such consideration as short-range economics, the desirability of non-farm uses which may be made of the land, or any other argument which diverts the Board's attention from the intrinsic merits of the land for agricultural use. By its nature, agriculture is a "long-haul" proposition; hence arguments based on the current market price for certain crops, or on the shortcomings of today's technology, should be put into proper focus by remembering that the basic object of the legislation is to "preserve agricultural land for farm use."

Public hearings of the sort in question are based on simple, sometimes frustrating, rules of fair play. After a board or staff member has explained the Board's proposed plan and has pointed out the Canada Land Inventory soil and climate maps which were the original basis of the proposed agricultural reserve, everyone affected, who so desires, should be given a reasonable chance to present facts, ask questions about the proposed plan, and make relevant comment by way of argument as to why the form of the plan proposed by the Board ought to be changed in some particular.

It is generally desirable for a Board to make up its mind as soon as possible after a hearing. This reduces the possibility of Board members acquiring, by inadvertence, further "evidence" which those who attended the hearing may not have had a chance to question.

(g) THE EFFECT OF THE AGRICULTURAL RESERVE ON LOCAL ZONING

When finally adopted, the Agricultural Land Reserve supercedes any local zoning which may have been in effect, except for provisions which are more stringent than, but not repugnant to, the general statement in section 10(1), viz., "No person shall occupy or use agricultural land designated as an agricultural land reserve --- for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose."

It is expected that shortly after the coming into force of the Agricultural Land Reserve, the Commission will ask the

the Regional District Boards to suggest suitable subdivision controls, (minimum lot sizes) which may vary from Region to Region (because of differences in agricultural practices), and within Regions (because of some provision for amenity agriculture in urban areas). In due course, subdivision controls may become part of the Regulations under the Land Commission Act. After the Agricultural Land Reserve comes into effect, section 10(4)(d) will prevent further subdivision until appropriate regulations are adopted, or as specifically permitted upon application to the Commission.

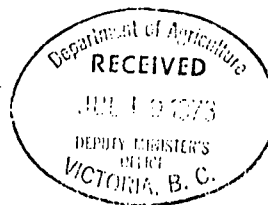
(h) FURTHER ASSISTANCE

The Commission intends to distribute a proforma by-law to accompany the Board's Agricultural Land Reserve Plans. If it is the wish of the Board, these by-laws may be referred to the Districts' solicitors for final consideration.

It is also hoped to distribute material for use at public information meetings and at the official hearings required under the Act illustrating how the suggested reserves were created from Canada Land Inventory resources.



Mr. W.T. Lane
Chairman
Land Commission



M E M O R A N D U M

TO: ALL REGIONAL DISTRICT BOARDS AND ALL MUNICIPAL COUNCILS

FROM: BRITISH COLUMBIA LAND COMMISSION

RE: AGRICULTURAL LAND RESERVES

- (a) Preparation of Agricultural Land Reserve Plans.
- (b) Form of Agricultural Land Reserve Plans.
- (c) Coordination of Regional Plans with Land Reserve Plan.
- (d) Where Urban Encroachment on Suggested Agricultural Reserve Land Appears Unavoidable.
- (e) Statutory Notice of the Hearing.
- (f) Nature and Conduct of the Hearing.
- (g) The Effect of the Agricultural Reserve on Local Zoning.
- (h) Further Assistance.

July 11, 1973

PROPOSED REGULATIONS REGARDING PREPARATION OF RESERVE PLANS

1:50,000

1. Every municipality or Regional District shall submit to the Land Commission a base plan showing the whole of the Agricultural Land Reserve to a scale of 1 inch per mile and such other plans of larger scale (hereinafter referred to as constituent plans) as shall be necessary to clearly set out the Agricultural Land Reserve.
2. The base plan and each constituent plan, upon being adopted by by-law of the Board of the Regional District, shall be signed by the Chairman and the Secretary-Treasurer of the Regional District or their designated alternates, and be sealed with the Seal of the Regional District.
3. The base plan shall bear the endorsement:
 Agricultural Land Reserve Plan for the Regional District of _____, duly adopted by by-law of the Regional District Board on the _____ day of _____, 1973, pursuant to s.8 (2) of the Land Commission Act, S.B.C., ch. _____.
4. Constituent plans shall bear the endorsement:
 This is a portion of the Agricultural Land Reserve Plan for the Regional District of _____, duly adopted by by-law of the Regional District Board on the _____ day of _____, 1973, pursuant to s.8(2) of the Land Commission Act, S.B.C. 1973, ch. _____.
5. The scale and north point shall be clearly shown and the base plan and constituent plans.
6. The boundary of the Agricultural Land Reserve lands shall be drawn along, or with reference to a legal boundary.
7. In the event that a boundary of the Agricultural Land Reserve lands shown on any portion of the base plan or a constituent plan is not drawn along, or with reference to, a legal boundary, the Agricultural Land Reserve Plan shall nevertheless be deemed to be valid. In such case the effective boundary of the Agricultural Land Reserve lands shall be ascertained by scaling off from the nearest or most convenient legal boundary, as determined by the Commission.
8. In the event of an apparent discrepancy between a base plan and a constituent plan of larger scale, the boundaries of the plan of larger scale shall be deemed to be binding.
9. Base plans and constituent plans shall clearly indicate the Land Registry District in which the Agricultural Land Reserve is situated.
10. In the event that the Agricultural Land Reserve lands in a Regional District fall within more than one Land Registry District, the boundaries of the Land Registry Districts shall be clearly indicated.

REGIONAL DISTRICT OF _____

BY-LAW NO. _____

The Board of the Regional District of _____ in open meeting assembled enacts as follows:

1. This By-law may be cited as "The Regional District of _____ Agricultural Land Reserve By-law."
2. For the purpose of setting out clearly the areas within the regional district that may be designated as an agricultural land reserve by the Provincial Land Commission, pursuant to the Land Commission Act, the Board of the Regional District of _____ hereby adopts the land reserve plan (including a Base Plan and - Constituent Plans) marked Schedule "A" to and forming part of this By-law.

Public Hearing held pursuant to section 8 of the Land Commission Act on the _____ day of _____, 1975. Introduced, read a first, second and third time, reconsidered, passed and finally adopted the _____ day of _____, 1975.

NOTE:

(a.) While it is likely that this by-law is not a "regulatory by-law" within the meaning of 778(2) of the Municipal Act, subsection (3) of section 8 of the Land Commission Act indicates that the by-law may only be adopted "upon the affirmative vote of a majority of all the directors of a regional board."

(b) If the Board wishes to deal with the by-law at a single meeting it is suggested that the draft by-law together with the version of the plans intended to go to the official public hearing, be referred to in a resolution authorizing the by-law and plans to be tabled for public inspection for the purposes of the official hearing. Then, after the hearing, at a single meeting of the Board, the by-law may be given its three readings, be reconsidered, passed and finally adopted pursuant to subsection 6 of section 775 of the Municipal Act because this by-law is not one which requires any "approval, consent, or assent" under the provisions of the Municipal Act or any other Act prior to adoption.

COMMISSION POLICY ON AGRICULTURAL
LAND RESERVES

The Commission is of the opinion that the object of the Land Commission Act is to protect "land suitable for Farm use". Obviously the land need not presently be in farm use to warrant protection. It is the long-haul situation which is the basis of our concern.

We suggest that Regional District Boards analyze the plans supplied to them by the Department of Agriculture to see whether it is feasible to direct urban expansion onto non-agricultural land. This may be done by in-filling existing (blue) urban areas, and by using the areas shown in pink (where land may be suitable for community expansion but not for farming).

If expansion onto agriculturally valuable areas (yellow) ^{brown} is still necessary, we ask that you limit the proposed encroachment to predicted growth during the next 5 years. It will be possible, in due course, to ask for further encroachment as the orderly growth of our communities dictates.

Please advise the Commission of any long-range plans for encroachment into agricultural areas which your studies indicate will be necessary, after you have carefully evaluated your options in light of provincial policy to protect farm land.

April 9, 1973

To: All Municipal Clerks and
Regional District Secretary-Treasurers.

FLOOD CONTROL REQUIREMENTS

Further to my Circular of June 23, 1972, concerning development in areas subject to flooding, the zoning bylaws which require approval in this Department are currently advanced to the Water Resources Service for review and recommendations from a flood control point of view.

In an attempt to overcome the necessity to advance each of these numerous bylaws for the consideration of the Deputy Minister of Water Resources Service, the Department in consultation with the Deputy Minister of Water Resources Service has agreed to the idea of incorporation of the following general flood control requirement provisions in the zoning bylaws requiring Departmental approval.

1. For the purpose of this section, the "natural boundary" means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

2. No building shall be constructed:

- (a) within twenty-five (25) feet of the natural boundary of a lake;
- (b) within one hundred (100) feet of the natural boundary of any other natural water course or source of water supply;
- (c) on ground surface less than two (2) feet above two hundred (200) year flood level where it can be determined, or if not ten (10) feet above the natural boundary of a lake and any other natural water course in the immediate flood hazard area;

(34)

54

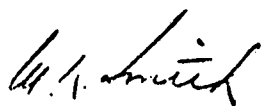
provided that with approval of the Deputy Minister of the Water Resources Service these requirements may be reduced.

In view of the above I would suggest that

- (i) the above general flood control provision be incorporated in the base zoning bylaw(s). This would eliminate one step in approving of zoning bylaw(s) that is reference to and recommendations by the Deputy Minister of the Water Resources Service;
- (ii) any flood control provision already incorporated in the base or amendment bylaw(s) should be rescinded at the time the general provisions are incorporated in the base zoning bylaw(s) to avoid any possible contradiction;
- (iii) when relaxation of any or all of the flood control requirements is required, please forward any request to the Department with all the background material in support of such request. We will undertake to advance such request to the Deputy Minister of Water Resources Service for consideration on your behalf.

In addition to the above, I would like to point out that the Deputy Minister of Water Resources Service has indicated that as a general rule he is willing to reduce the requirement of one hundred (100) feet prescribed in 2(b) to fifty (50) feet in the case of smaller streams and ten (10) feet requirement prescribed in 2(c) to five (5) feet in the case of smaller lakes and streams which fluctuate within a fairly narrow range of water levels.

Yours very truly,


W. K. Smith,
Deputy Minister.

BSJ/es

73:25

55

LAND COMMISSION ACT

CONTENT OF NOTICE

8(3) Apparently silent on the "contents" of the notice.

HOWEVER

The suggestions in section 703(2) of the MUNICIPAL ACT are useful and should be in the "legal" ad --- if not in the display ad. viz.

- (a) identify the land deemed affected:

- (b) state in general terms the intent of the provisions of the proposed by-law:

- (c) state where and the days and hours during which a copy of the proposed by-law may be inspected:

LAND COMMISSION ACT

PUBLISHING NOTICE

- 8(3) Regional board shall not adopt a by-law for the purpose of adopting a land reserve plan UNTIL IT HAS HELD A PUBLIC HEARING ---- notice of which has been PUBLISHED in the manner prescribed in section 703 of the MUNICIPAL ACT.

MUNICIPAL ACT

S.703(1) "in not less than two consecutive issues of a newspaper published or circulating in the municipality, with the last of such publications appearing not less than three days nor more than ten days before the date of hearing."

MEMORANDUM of COMMISSION dated July 11, 1973

para (e) says:

- not necessary to mail notice to owners and occupiers. *(A/G. DEPT. INTERPRETATION)
- a display ad drawing attention to the more detailed "legal" notice should be published. *(POLICY OF DEPARTMENT OF MUNICIPAL AFFAIRS.)

LAND COMMISSION ACT

CONDUCT OF HEARING

- 8(4) "The provisions of section 703 of the Municipal Act apply, with necessary changes and so far as applicable, to a hearing under subsection (3)."

MUNICIPAL ACT

- 703(3) "At the hearing all persons who deem their interest in property affected by the proposed by-law shall be afforded an opportunity to be heard on matters contained in the by-law."

- These would include the PLANS attached to the by-law.

- MEMORANDUM of the COMMISSION dated July 11, 1975, para. (f) points out the difference between a hearing under the LAND COMMISSION ACT and one under the zoning sections of the MUNICIPAL ACT.

- For information, section 10(1) of the LAND COMMISSION ACT ought to be read to those assembled at the hearing to indicate what effect the PLANS attached to the By-law might have if adopted by the Board, approved by the Commission and the Cabinet, and finally designated as a Land Reserve.

("Legal" Ad)

REGIONAL DISTRICT

LAND COMMISSION ACT, S.B.C. 1973, C.46

AGRICULTURAL LAND RESERVE BY-LAW and PLANS

NOTICE OF PUBLIC HEARING

TAKE NOTICE that a draft by-law intended to enable the adoption of Agricultural Land Reserve Plans to preserve agricultural land for farm use within the Regional District has now been prepared and the draft by-law together with the proposed Agricultural Land Reserve Plans will be presented at a Public Hearing to be held at _____

at _____ P.M. in the evening of the _____ of _____ 1973,
at _____ Street, _____, B.C.

- (a) The lands deemed affected are all of those lands classified as Classes 1, 2, 3 and 4 (and minor components of classes 5 and 6) of the Canada Land Inventory Soil Capability Classification for Agriculture as prepared by the B. C. Soil Survey and the Canada Soil Survey (B.C.).
- (b) The intention of the by-law is to adopt agricultural land reserve plans setting out clearly land suitable for farm use, for the purpose of filing the by-law and plans with the Provincial Land Commission for its consideration and designation of the land in question as an Agricultural Land Reserve, after approval of the Lieutenant-Governor in Council, pursuant to section 8 of the Land Commission Act, S.B.C. 1973, C.46.
The object of the Provincial Land Commission in considering the by-law and plans is to preserve agricultural land for farm use.
- (c) The proposed by-law and Agricultural Reserve Plans may be inspected at the office of the Secretary - Treasurer of the _____ Regional District, _____ Street, _____, B.C., from the _____ day of _____ to the _____ day of _____, between the hours of _____ A.M. and _____ P.M. (Saturdays and Sundays excepted.)

Secretary-Treasurer.

(Display Ad)

REGIONAL DISTRICT

LAND COMMISSION ACT

AGRICULTURAL LAND RESERVE BY-LAW and PLANS

PUBLIC HEARING

TAKE NOTICE that a draft by-law intended to enable the adoption of Agricultural Land Reserve Plans for the Regional District to preserve land for farm use has now been prepared and the draft by-law together with the proposed Agricultural Land Reserve Plans will be presented at a Public Hearing to be held at _____ on _____ 1973.

The proposed by-law and Agricultural Reserve Plans may be inspected at the office of the Secretary-Treasurer at _____ from the _____ day of _____ to the _____ day of _____ (Saturdays and Sundays excepted) at _____ Street, _____ B. C., between the hours _____ A.M. and _____ P.M.

Please refer to the Notice of Public Hearing in the Legals Section of this newspaper for additional information.

Secretary-Treasurer.

Secretary-Treasurer

Dear Sir or Madam:

I forward the enclosed pages to be added to the two copies of the Handbook, issued to Regional District Officers at our recent Seminar, for general guidance.

- (a) Supplementary Instructions Regarding Preparation of Agriculture Reserve Plans.
- (b) A series of Questions and Answers which may be useful to you at your information hearings.
- (c) A Schedule for distribution of legalized plans.
- (d) A sample Certificate of General Exception to Section 8(11) of the Land Commission Act for a regional district.
Note: This does not grant a total exception but refers only to releases under (a), (b), (c), and (d). It in no way replaces Orders-in-Council 4483/72 or 157/73. However it should "unblock" applications which have been processed under the Orders-in-Council and the majority of applications which fall outside of their ambit and have been stalled by Section 8(11). Such a certificate is being sent to each Land Registry Office in the Province.
- (e) Statement on possible Exclusions from Agricultural Land Reserves.

Yours truly

W. T. Lane
 Chairman

WTL/js

Supplementary Instructions Regarding Preparation
~~SUPPLEMENTARY INSTRUCTIONS REGARDING PREPARATION~~

OF AGRICULTURE RESERVE PLANS

The B. C. Department of Agriculture will be forwarding to you legalized versions of the proposed agriculture reserve plans that were handed to you earlier in the summer.

The legalized versions were prepared for your use by technicians in the B. C. Land Inventory, Lands Service, B. C. Department of Agriculture, Water Resources, B. C. Forest Service, and Department of Municipal Affairs.

In the proposed Agricultural Land Reserve (ALR), (and not shown separately) are:

- (a) the proposed agricultural land reserves shown in yellow on the original maps.
- (b) the proposed agricultural land reserves mixed with frequent urban pockets shown brown on original maps.
- (c) minor conservation areas (green areas on original maps) closely associated with agricultural reserves when these areas were wholly surrounded or contained by agricultural land reserve areas and were of such a size or shape that at the scale of 1:50,000 it was physically impossible to show them separately from the agricultural land reserves.

Small existing subdivisions completely surrounded by agricultural land are shown diagrammatically by means of a circle.

The following procedure would be appreciated, if possible:

- (1) There seems to be some confusion as to what should be indicated on your final map submission to the British Columbia Land Commission. Only one type of reserve is to be shown, namely the Agricultural Land Reserve (which would of course encompass yellow, brown, and some green). These maps should be presented at a scale of 1:50,000 and such other larger scales as shall be necessary to clearly set out the Agricultural Land Reserve.
- (2) Should constituent maps be used on which to show the Agriculture Reserves for designation, the same wording of certification i.e. "This plan shows a portion ---" etc. should be used. This should be printed on the individual sheets. For legal reasons, it cannot be printed or typed on a separate piece of paper and glued on the base.
- (3) Where "constituent" maps (those of larger scale) are used, please enclose an index map indicating areas covered by the various scales.
- (4) In order to facilitate storage, all map bases should be no larger than 26 inches by 32 inches overall.
- (5) Two (2) signed prints of the Agriculture Reserve Plan should be returned to the British Columbia Land Commission for certification.
- (6) In addition, please refer to handbook attachment II-h distributed at the Regional District Seminar (UBC).

Please feel free to contact us if further clarification is necessary.

Yours very truly

W. T. Lane
Chairman

GGR/js

1. Q. How broad is the term "Agricultural"?
A. The answers to the balance of these questions will give some idea of how broad the term is.
2. Q. What are compatible uses with Agriculture on Agricultural Reserve lands?

c.g. In some areas ranchers operate seasonal hunting camps, guide, fishing camps, horse rentals. Some ranches have good beach areas - some developed, others not; fishing areas, areas suitable for camp and picnic sites which would not interfere with ranch operation and generate additional income. Will these be allowed to continue or be developed?
A. At this early date it would seem that all of these uses are "compatible" so long as they do not irreversibly affect a substantial amount of the agricultural potential of the land on which they are located.
3. Q. Will recreational uses requiring large areas of land be allowed on a seasonal basis on agricultural lands? e.g. snowmobiling, skiing, all terrain vehicles, riding stables, rifle ranges?
A. In all likelihood these will be allowed - subject only to "irreversible comment in A.2."
4. Q. In some parts of Canada there are programs designed to encourage farm families to rent accommodation in the home to city people to allow them to experience rural life and generate additional farm income. Would this type of program be allowed on farm lands?
A. Likely this would be allowed.
5. Q. Would consideration be given to leasing of hunting rights over agricultural lands by the owner to game clubs?
A. Likely this would be allowed.
6. Q. Would "hobby" types of animal raising be allowed on agricultural reserve lands? e.g. Race horse stables, game farms?
A. Generally yes. The question is under study to ascertain what, if any, such uses might pose problems by, say, inappropriate design or too great density of construction.
7. Q. Some ranches maintain general stores and gasoline pumps. Would these be allowed to continue after a change in ownership?
A. Generally, we see these being continued after a change in ownership. In some cases changes in may be suggested if the method of operation is proving a problem to nearby agricultural activities.
8. Q. Would a commercial cattle feedlot be allowed on agricultural reserve lands providing all environmental guidelines were met?
A. In all likelihood.
9. Q. Where business concerns are located on parcels larger than 2 acres in an agricultural reserve will they be allowed to continue after a change in ownership?
A. See 7A
10. Q. Will the Land Commission Act protect the surface of the land now that the mineral taxation act will effect the mineral rights presently held by farmers and ranchers? Conversely, if a farmer or rancher sold mineral rights held by him could the buyer develop them?
A. Will likely depend on the nature of the mining operation. Strip mining, whereby substantial agricultural potential is irreversibly destroyed, would be hard to justify.
11. Q. Will "Agribusiness" concerns on agricultural reserve lands be allowed to continue or develop? e.g. Ranchers who are farm machinery dealers, large animal Vet Clinics; feed mills in conjunction with feed lots and poultry farms.
A. Yes, but will have to be judged on their individual merits. See 2A.

12. Q. Will gravel pits and quarries be allowed within agriculture reserve areas? How about those presently operating within the proposed reserve areas?
A. See 10A. It is possible to ask permission to continue existing gravel pits where reasonable alternatives are not at hand.
13. Q. Will the present agriculture assessments apply to those lands of classes 5, 6, and 7 which are maintained in agriculture?
A. We know no plan to limit farmland assessments to only those lands in Agriculture Reserves. There is some possibility that in future years additional assessment benefits may be extended to lands within such reserves.
14. Q. Will "Progressive Taxation Policies" drive classes 5, 6, and 7 out of agriculture and into "higher" uses?
A. Not if a proper Regional Plan is adopted and implemented by the Regional Board.
15. Q. Will subdivision into small holdings be allowed on land classes 5 to 7?
A. Not likely if in the Agricultural Reserve: except possibly adjacent to present communities.
16. Q. How much control or influence will the land commission and/or the regional districts have upon the uses of classes 5-7 where grazing privileges and water storage and diversion are required to make adjacent agricultural reserve land viable?
A. It is expected that the Commission will have strong persuasive influence on the uses of classes 5-7 within the Agricultural Reserve as far as grazing privileges and water storage, etc., are concerned. We would not hesitate to negotiate with the appropriate departments of government regarding matters outside the reserves if they were clearly related to the encouragement of family farming or ranching.
17. Q. Will the regional districts have the power to zone Crown lands in areas of classes 5-7?
A. No change in this policy has yet been announced.
18. Q. Would roadside fruit and vegetable stands be allowed on agricultural reserve lands?
A. Yes.
19. Q. Would homecrafts and professional occupations be allowed in a residence on agricultural reserve lands?
A. In all likelihood, yes -- particularly if it remained on the scale of a home occupation as opposed to an all-out industry.
20. Q. Where agricultural reserve lands are timbered and are being logged either on a single cut or sustained use basis would the establishment of sawmills be allowed? What controls would fall on the construction of logging roads?
A. This point has not yet been settled. The matter will be referred to the new secretariat of the Environment and Land Use Committee.
21. Q. Would timber management licences and TFL's be allowed on agricultural reserve lands on a multiple use basis?
A. Yes.
22. Q. Where recreational facilities are situated on agricultural reserve lands can they be enlarged? If they were destroyed by fire could they be rebuilt? e.g. Merritt Rodeo Grounds.
A. Yes; provided the recreational facility didn't irreversibly effect to a substantial degree the agricultural potential of the land on which it is located.

23. Q. Will such bodies as the Department of Highways have to respect agricultural reserve lands in planning of highways? B. C. Hydro with dams and power line rights of way?
- A. It is expected that the Land Commission will have strong persuasive power in dealing with the Dept. of Highways, B. C. Hydro, etc., where they propose to use Agricultural Lands for rights-of-way.
24. Q. If agriculture reserve were placed on class 5 and 6 lands now, how difficult would it be to have them removed in 5 or 10 years? How difficult would it be to have them included in 5 years?
- A. The reasons for wanting them removed would be the important thing --whether tomorrow or in 10 years. There would have to be good reasons. The Act is silent about additions--but we are trying to get this clarified.

MAILING SCHEDULE FOR LEGALIZED VERSIONS OF PROPOSEDAGRICULTURE LAND RESERVES (1:50,000)

All Vancouver Island Regional District:	Thursday, August 30	
All Lower Mainland Regional District:	Wednesday September 5	
Thompson-Nicola Regional District:	Tuesday September 11	
Cariboo Regional District	Friday September 14	
Fraser-Fort George Regional District	Thursday September 20	
Peace River-Liard Regional District	Monday September 24	
Okanagan Regional Districts and Kootenay-Boundary	Friday September 28	
Central Kootenay Regional District	Wednesday October 3	
East Kootenay Regional District	Friday October 5	
Columbia-Shuswap Regional District	Friday October 5	
Bulkley-Nechako Regional District	Thursday October 11	
Kitimat-Stikine (part) Regional District	Thursday October 11	

1:50,000 topographic mylars without proposed agriculture reserves can be made available for the following regional districts or parts of them if requested:

Mount Waddington
Ocean Falls
Skeena Queen Charlotte

77

CERTIFICATE OF GENERAL EXCEPTION

(s. 8(11) the Land Commission Act, S.B.C. 1973, c. 46)

Re: Certain Lands within the
District zoned for Agricultural or Farm Use.

WHEREAS extensive areas of the
District were zoned for agricultural or farm use under a
by-law of a Municipality or the regional district subsisting
immediately prior to the twenty-first day of December, 1972,
and as such were deemed to be an agricultural land reserve
under section 8(11) of the Land Commission Act.

AND WHEREAS in order to expedite the deposit of subdivision
plans and the issuance of other development permits, the
Provincial Land Commission by Resolution /73 dated the
day of , 1973, excepted the classes of lands
below described from the effect of section 8(11):

NOW THEREFORE I HEREBY CERTIFY that the following portions of
the
are excepted from the effect of subsection 11 of section 8 of
the Land Commission Act, S.B.C. 1973, c. 46:

- (a) Lands zoned for agriculture or Farm use under a by-law
of a Municipality or the regional district subsisting
immediately prior to the twenty-first day of December,
1972, where such lands are clearly outside of the lands
judged to be capable of supporting agriculture by the
British Columbia Department of Agriculture as evidenced
by that plan on the scale of 1:50,000 deposited with the
Regional District on the day of , and thereon
coloured in part yellow and in part brown; a copy of which
is hereunto annexed and marked schedule "A".
- (b) Lands affected by Order-in-Council 1891/73;
- (c) Lands for which a certificate (that the proposed sub-
division or development had been substantially commenced
prior to the twenty-first day of December, 1972) has been
issued by an Approving Officer pursuant to the letter of
instruction addressed to Municipal Clerks, Regional District
Secretary-Treasurers, and Approving Officers dated the 16th
day of February 1973, over the signature of David D. Stupich,
Minister of Agriculture; provided the certificate is issued
prior to the first day of November, 1973;
- (d) Lands regarding which an appeal has been granted by the
Environment and Land Use Committee pursuant to Orders-in-
Council 4483/72 or 157/73;

AND I DO FURTHER CERTIFY that the exception is subject to the condition that:

- (a) all lands excepted,
- (b) every person whose land is excepted, and
- (c) every person otherwise governed by Orders-in-Council 4483/72 and 157/73

shall continue to be bound by all of the requirements set forth in the said Orders-in-Council pending the establishment of an agricultural reserve in the regional district, subject only to relief granted pursuant to Orders-in-Council 4483/72, 157/73 and 1891/73.

Dated at Burnaby, British Columbia, this day of 1973 .

W. T. Lane, Chairman
Provincial Land Department

EXCLUSIONS FROM AGRICULTURAL LAND RESERVES

Some confusion exists regarding the possibility of releasing land once it has been designated Agriculture Reserve.

When the reserves have been formally designated it is not likely too many occasions will arise to justify exclusion because it is the long term protection of agricultural lands which is of concern.

The following points should be borne in mind:

- (i) The Land Commission Act contains specific procedures and conditions applicable to both private persons and local governments seeking an exclusion of land from an agricultural reserve.
- (ii) In the case of errors (of anything other than a minor nature) exclusions will be sympathetically considered.
- (iii) In the case of the need for the encroachment of a growing community onto Agricultural Reserve land - where no reasonable alternative exists - exclusions will be sympathetically considered.
- (iv) In the case of matters involving the public interest - exclusions will be sympathetically considered.
- (v) In addition, there are extensive possibilities for compatible uses and some possibilities for non-compatible uses in an Agriculture Reserve, pursuant to one or more of the following:
 - (a) Orders of the Lieutenant-Governor in Council,
 - (b) Regulations under the Land Commission Act,
 - (c) Specific orders of the Land Commission.

29 August, 1973



BRITISH COLUMBIA LAND COMMISSION

4259 CANADA WAY

BURNABY 2, B.C.

November 14, 1973

The Lieutenant-Governor in Council
Parliament Buildings
Victoria, B. C.

Honourable Members:

Re: Approval of Proposed Agricultural Land Reserve Plans

The Land Commission Act calls upon the Commission, with the prior approval of the Lieutenant-Governor in Council, to "designate land, including Crown land, that is suitable for farm use, as agricultural land," (s.8(11)). To assist this process the Regional District Boards are required to "by by-law, adopt a land reserve plan....and file the by-law and land reserve plan with the Commission". (s.8(2)) This by-law amounts to an instrument of transmittal, not a regulatory by-law.

In advising the Regional District Boards in the preparation of their agricultural land reserve plans (s.7(1) (h1)) the Commission issued a memorandum dated July 11, 1973, which in part stated:

"Under the Municipal Act relative to a public hearing to consider the adoption of a new zoning classification, one of the things considered at the public hearing is whether the new classification ought to be adopted at all. Under the Land Commission Act, however, the legislature has already decided (in section 8(2)) that "the regional board of every regional districts --- shall --- adopt a land reserve plan." Debate on whether any plan ought to be adopted in the first place would thus seem out of order at the Board's hearing on the plan. If this point is made clear in advertising the hearing and stressed at the outset of the hearing, some needless discussion will be avoided.

What is relevant is whether the citizen's land is "suitable for farm use." In light of the objects of the Act, "suitable" is perhaps best judged in terms of the soil and climate conditions, not on such consideration as short-range economics, the desirability of non-farm uses which may be made of the land, or any other argument which diverts the Board's attention from the intrinsic merits of the land for agricultural use. By its nature, agriculture is a "long-haul" proposition; hence arguments based on the current market price for certain crops, or on the shortcomings of today's technology, should be put into proper focus by remembering that the basic object of the legislation is to "preserve agricultural land for farm use."

The emphasis on the "long haul" approach to the agricultural resource was based on:

- (a) The reference to the C.L.I. classifications in the Orders-in-council under the Environment and Land Use Act.
- (b) The fact that the maps prepared for the Regional Districts by the C.L.I. team (showing suggested boundaries of Agricultural Reserves) were based on soil/climate qualities, not short term economic values.

By Resolution 80/73 dated October 29, 1973, the Provincial Land Commission approved for transmittal with some amendments, the Agricultural Land Reserve Plan of the Okanagan-Similkameen Regional District, which accompanies this letter. In reviewing the proposal of the Okanagan-Similkameen Regional District and in transmitting the recommended amendments, the Commission has thought it proper to describe the routine followed and the general principles developed. The Commission intends, unless otherwise directed, to review the proposals of the remaining 27 Regional Districts in a similar way.

Procedure of Review

- 1) When the Agriculture Land Reserve Plan is received, a member of the Land Commission staff (a trained pedologist - Mr. Terry Lewis) examines the maps in detail in relation first to the generalized agricultural capability maps prepared by the Department of Agriculture and, second, where variations occur, to the detailed soils capability maps prepared by the Canada Land Inventory. Explanations are also obtained in puzzling instances and on specific areas by telephone discussions with the Regional District planner.
- 2) Where variations from the Department of Agriculture proposals do not appear to be explainable on the basis of the soil maps, or the existence of urban development or other substantial reason viz:
 - (a) allowance for urban lot development for a period - - - (arbitrarily arrived at in each instance, and varying from approximately 20% of existing developed area to over 100% of existing development)
 - (b) lands excepted by the Environment and Land Use Committee
- 3) The Commission is building up a file of submissions, letters, and individual objections, filed by Regional District. This file is scanned by the staff, and relevant materials are brought to Mr. Lewis' attention.

- 4) This close analysis is followed by a review by Mr. Lewis and one of the Commissioners with the purpose of revealing those critical areas or policy elements which will need the entire Commission's special attention and discussion.
- 5) Preliminary "decision overlays" are then prepared by Mr. Lewis with drafting assistance.
- 6) The Commission makes a first review. Principles are evolved and guidance is given. Mr. Lewis and staff make adjustments.
- 7) The Commission makes a final review. It passes a resolution of transmittal. Mr. Lewis and staff make necessary adjustments.
- 8) The proposals of the Regional District along with the suggested amendments are forwarded to the Lieutenant Governor in Council.

Guiding Principles Developed (Provincial Zoning for Agriculture).

- 1) Agricultural lands are to be preserved (Land Commission Act, S.7(1)(a)).
- 2) In particular, lands class 1, 2, 3 & 4 (arable) are to be protected (Order-in-Council No. 157/73).
- 3) The recommendations of the Regional District are to be respected (for example: in recognizing the relevance of protection of grazing land in relation to ranching; in exclusion of some undeveloped good agriculture land adjacent to existing urban development.)
- 4) The exclusions granted by the Environment & Land Use Committee are to be accepted, unless too difficult to defend in relation to the above criteria.

Within the above general guidelines, the following additional guidelines were developed:

- (a) The lands of all land owners, whether public or private, Indian Reserve, co-operative or corporate, are to be treated alike.
- (b) Important uses that are compatible (reversible) are to be encompassed by the Agricultural Reserve including, among others, airports that have no scheduled flights, golf courses, parks, garbage dumps, radio towers and hydro-lines.
- (c) Components of class 5 and 6 lands are to be included rather than omitting areas of classes 1 to 4 because of their association with poorer lands.
- (d) Conservation Areas shown green on the Dept. of Agriculture maps are to be protected by the Agricultural Reserve where the lands have at least 40% Class 4 or better agricultural capability rating.

Caveats Entered

In forwarding the Agricultural Land Reserve Plans and recommended amendments the Commission believes it important to enter some cautioning notes for the advice of Cabinet.

- 1) Certain lands which have been accepted by the Commission for exclusion from the Reserve are unstable building soils. These include lands (for example near Princeton) that were exempted from the Orders-in-Council by the ELUC. The implication of the ELUC exemptions, to the people of the area, may be that these areas are suitable for urban development - which is not always the case.
- 2) Certain lands have been identified by the Okanagan-Similkameen Regional District as Agricultural Land Reserve Plan sub-category "gr" (grazing). These lands are largely class 5 and 6 agricultural land capability. It is clear to the Commission that these are included on the basis of owner request and in support of the valley-bottom lands which the grazing lands support - a rationale acceptable to the Commission. It is clear also that some excellent grazing lands of classes 5 and 6 have not been included by the Regional District in their proposal.

The Commission recommends that the problem of proper identification of the grazing lands be a matter of urgent study by the Secretariat leading to rationalization and amendment of the Reserve Plans. However, on the grounds that too much should be protected rather than too little, and that the recommendations of the Regional District be respected, the Commission recommends inclusion of lands shown Agricultural Land Reserve Plan "gr" as a part of the Reserve as an interim measure.

Visits to Regions

It is probably of use to know that on occasion, some or all of the Commissioners have visited a Regional District at the District's request after it has prepared its proposal, but before it has passed its by-law. The District's purpose is, in areas of doubt, to check with the Commission before the final proposal is forwarded. This was the case with Okanagan-Similkameen.

We may mention too, that before the final decision was made on the Okanagan-Similkameen proposal, the Commission had an opportunity to make a first review of the proposals of two other regional districts as well. The approach made should thus be generally applicable to a variety of situations in the province.

The Commission herewith submits the proposed Okanagan-Similkameen Agricultural Reserve Plan for your review and approval.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W. T. Lane', written in a cursive style.

W. T. Lane
Chairman

WTL/js

encl.

REGIONAL DISTRICTS

1. Regional District of Alberni-Clayoquot
2. Regional District of Bulkley-Nechako
3. Capital Regional District
4. Cariboo Regional District
5. Central Fraser Valley Regional District
6. Regional District of Central Kootenay
7. Regional District of Central Okanagan
8. Regional District of Columbia Shuswap
9. Regional District of Comox Strathcona
0. Regional District of Cowichan Valley
- Dewdney Alouette Regional District
2. Regional District of East Kootenay
3. Regional District of Fraser Cheam
- Regional District of Fraser-Fort George
5. Greater Vancouver Regional District
6. Regional District of Kitimat Stikine
7. Regional District of Kootenay Boundary
3. Regional District of Mount Waddington
9. Regional District of Nanaimo
0. Regional District of North Okanagan
1. Ocean Falls Regional District
2. Regional District of Okanagan Similkameen
3. Peace River-Liard Regional District
1. Powell River Regional District
- . Skeena-Queen Charlotte Regional District
6. Squamish Lillooet Regional District
7. Sunshine Coast Regional District
3. Thompson Nicola Regional District

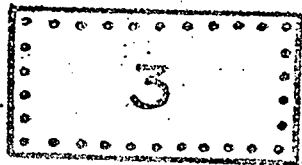
Jerry Lewis
 Joan Samicki
 Jerry
 Mark Walmsley
 Jerry
 Joan
 Jerry
 Roxey Beale / Kourne
 Jerry
 Jerry
 Jerry
 Jerry
 Jerry
 Roxey
 Jerry
 Joan
 Jerry
 Mark
 Jerry
 Jerry
 Jerry
 Jerry
 Jerry
 Joan
 Joan
 Jerry
 Mark

Question Reviews done by or Roxey directed then Th. necessary

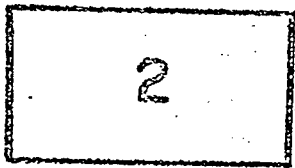
Questions regarding
Reviews
done by Hank
or Rexy can be
directed to JHS
then TL if
necessary

OVERLAYS FOR AGRICULTURAL LAND RESERVE PLANS

Legend



Recommended additions to the
Agricultural Land Reserve.



Recommended deletions from the
Agricultural Land Reserve.



Recommended adjustment to the
Agricultural Land Reserve boundary.

N.B. Changes that are shown without numbers on the base plan
(A), are shown in more detail on the constituent plans.

MEMORANDUM

TO Staff
.....
.....
.....

FROM

Commissioner Rawson
.....

5 November 1975

SUBJECT

OUR FILE

YOUR FILE

I had prepared the attached summary of the history and "structure" of the Commission mainly for the information of Commissioner Knoerr. It occurred to me though that staff, especially the newer members, may find it of interest too. If any of you have any questions about this summary or about what we've done so far, I would be happy to answer them.

Mary R.

Mary Rawson

MR/pr

Enc.

B. C. LAND COMMISSION

Short Summary of History and Structure

"The Freeze"

21 Dec 72 O-i-C 4483 No subdivision of land taxed as farmland.
16 Jan 73 O-i-C 157 Add, no use changes of land zoned agriculture;
or land of CLI capability classes 1,2,3 and 4.

"Bill 42"

22 Feb 73 Bill to establish a Land Commission introduced.
16 Apr 73 Final reading.

The Commission appointed

19 May 73 O-i-C 1662 Five people named as Members of the Land Commission.

E. E. Barsby	V. C. Brink	W. T. Lane	A. R. Garrish	Mary Rawson
--------------	-------------	------------	---------------	-------------

(W. T. Lane named as Chairman by same O-i-C)

Commission starts operations

9/10 June 1973 First meeting of full Commission ("Study Meeting") held in Saanich. Orientation to objects and powers of the Act, exploring personal philosophies, developing consensus on long-range Commission objectives, discussion on explicit and implicit staff requirements (p. 5 attached).

11 June Commissioners begin travel over seven week period to 24 of 28 Regional Districts; meet with Boards and staff in each area; explain the objectives and powers of the Act; develop and clarify Commission policy.

3 July O-i-C 2257 Sections 8, 9, 10, 11, 12 and 16 of the Act are "activated", requiring preparation of ALR plans in 90 days.

15 July Open office at 4259 Canada Way, Burnaby

Staffing begins

1 Aug 73 O-i-C 2570 G. Gary Runka appointed as General Manager of Commission.

17/18 Aug General meeting. (Villa Hotel, Burnaby). Establish Commissioner roles. Initiation of action and research projects. Meet with General Manager to discuss financial, administrative and personnel policies.

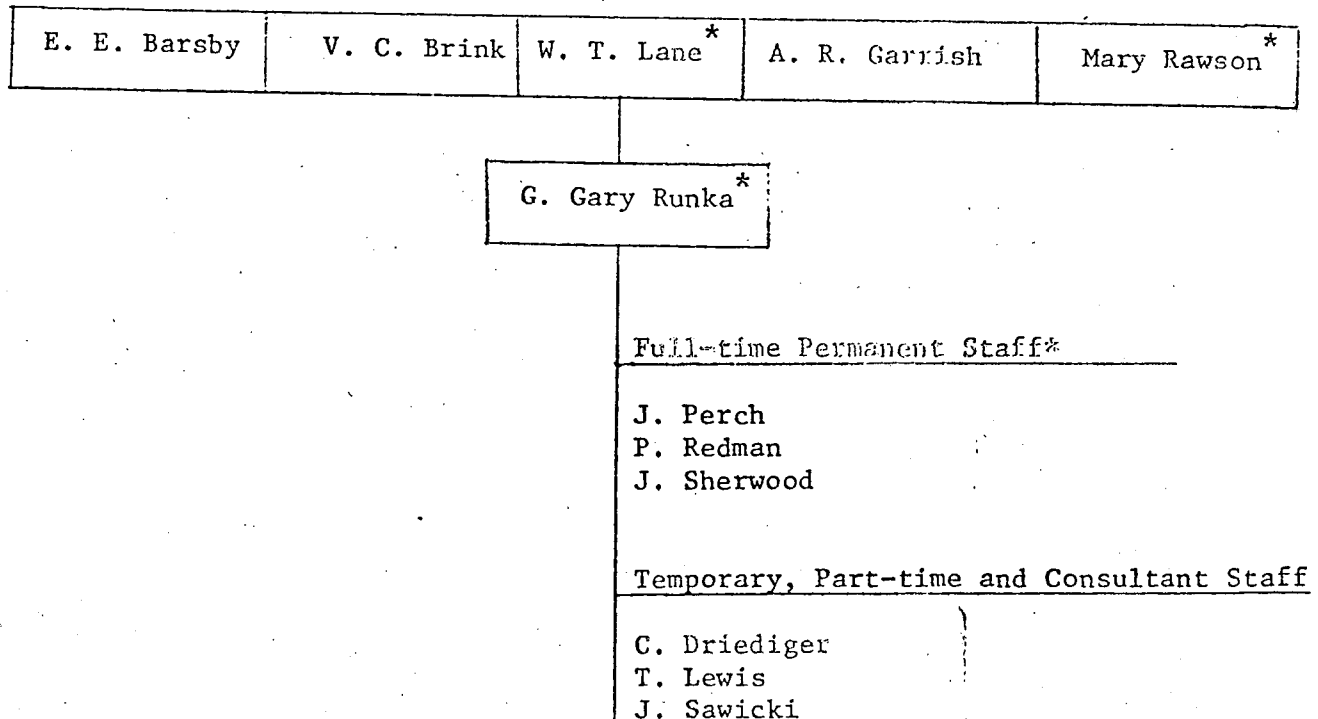
16/17 Sep General Meeting. Policy questions on Greenbelt purchases. Meet with Crerar to establish firm relationship with ELUC Secretariat. First gift offered (Morell at Nanaimo)

27 Sep First ALR Plan received by Commission (Okanagan Similkameen).

10 Oct Commissioners meet with Environment and Land Use Committee of Cabinet.

25 Oct O-i-C 3539 O-i-C appeals turned over by ELUC to Land Commission.

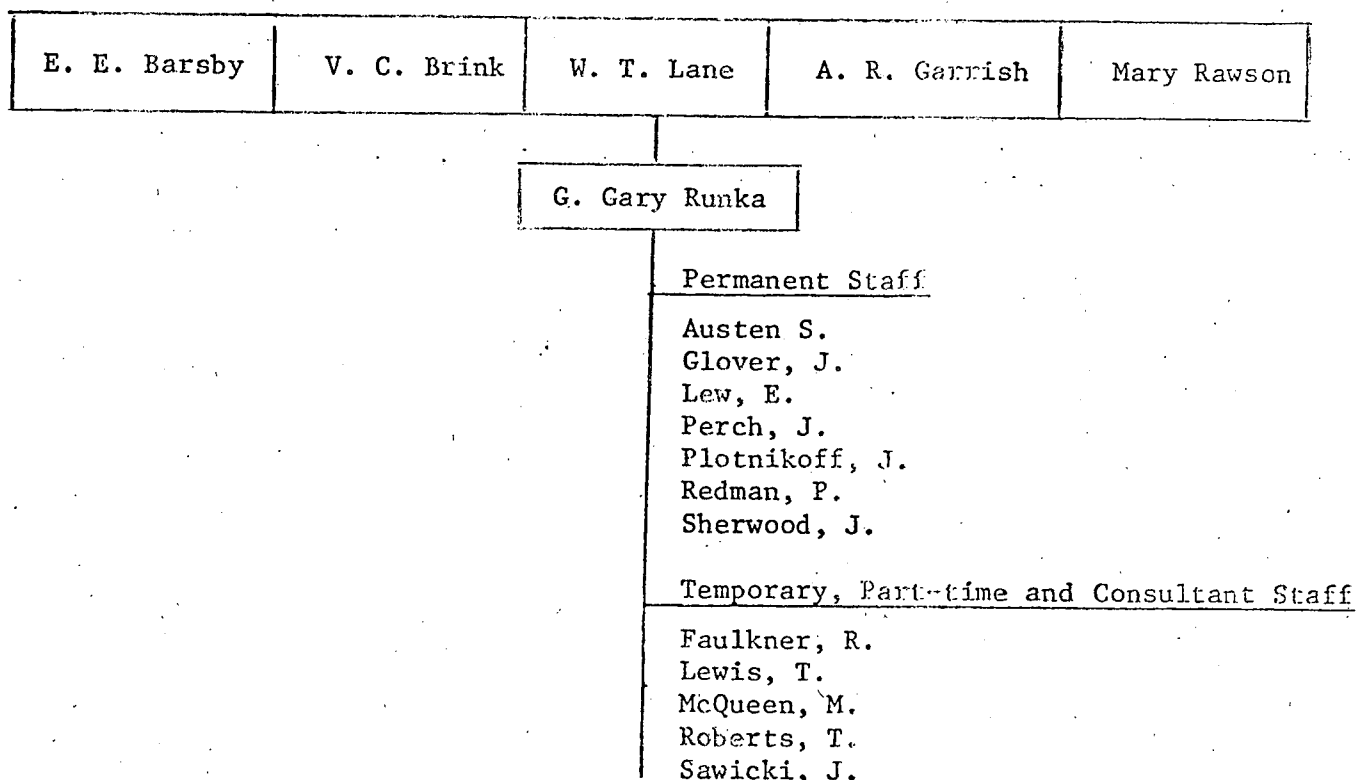
Structure at end October 1973



Review and designation of Agricultural Land Reserves

- 15 Nov 73 Start weekly quorum to deal with O-i-C appeals
- 3/4/5 Jan 74 Second "Study Meeting" (Parksville). Retreat for review and policy development.
- 13 Feb 74 Designation of first A. L. R. (Okangan Similkameen).
- 27 June 74 Designation of twelfth Regional District ALR. Fourteen others reviewed by Commission and awaiting Cabinet approval.

Structure at end June 1974



- 24 Jul 74 Begin second series of visits to Regional Districts
- 30 Oct-3 Nov Third Study Meeting (Quilchena)
- 20 Nov 74 First annual report deposited in Legislature
- Dec 74 First major set of quarterly hearings on appeals for exclusion

Enlargement of Commission and Staff

Jan 75	Two weeks of overflow appeals from December quarterly session
23 Apr 75	W.T. Lane announces resignation from Land Commission effective 9 June 1975
5 June 75	O-i-C 1951 G. G. Runka "appointment of a temporary nature" as a member of the Land Commission and designated Chairman
24 Jul 75	O-i-C 2445 G. G. Runka confirmed as member and Chairman to replace W. T. Lane
9 Oct 75	O-i-C 3176 Don Knoerr appointed as sixth member of Commission

Structure at end October 1975

Barsby	Brink	Garrish	Runka	Knoerr	Rawson
--------	-------	---------	-------	--------	--------

(advertised) General Manager

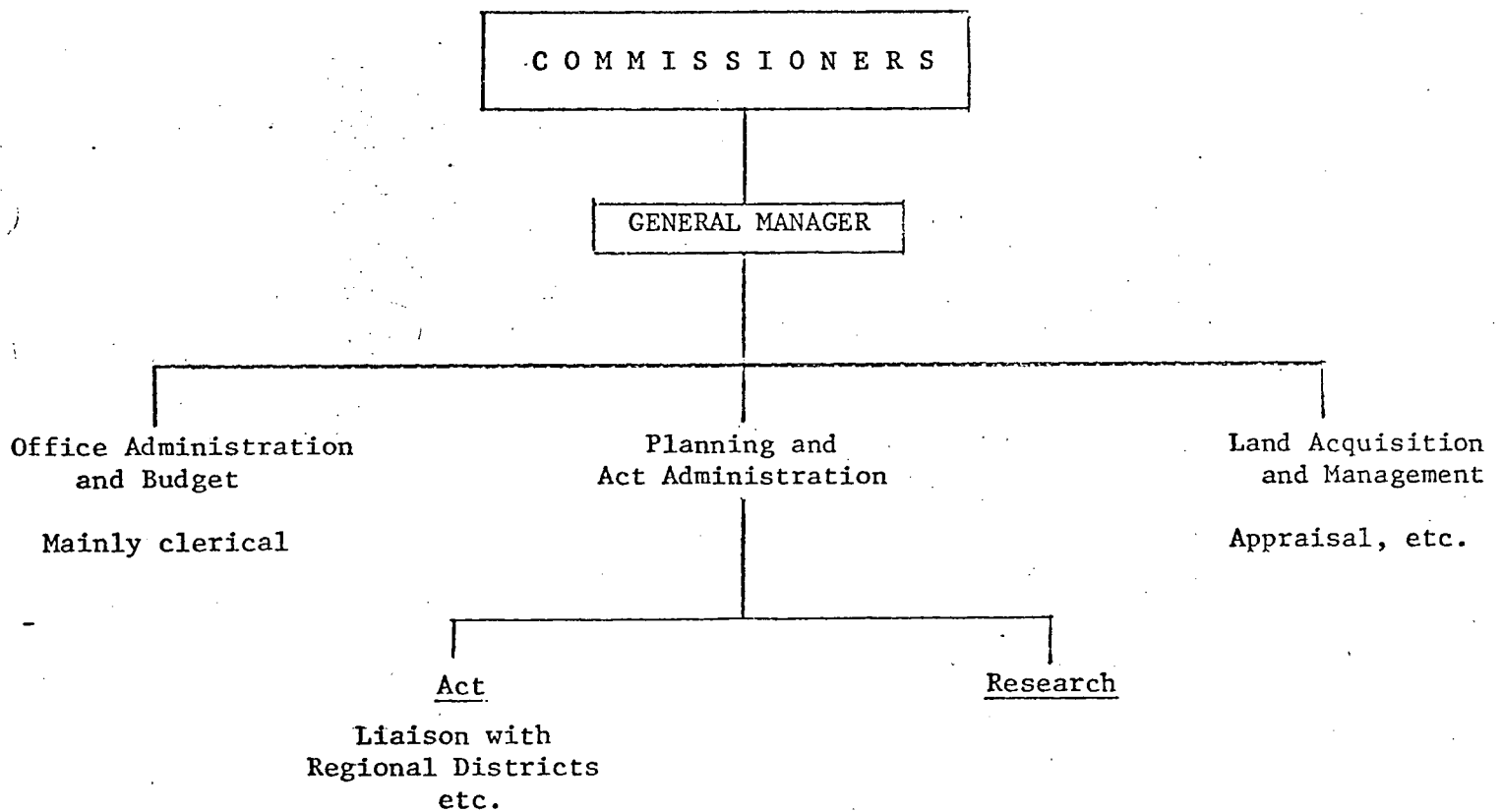
Permanent Staff

Austen, S.
Brightman, S.
Glover, J.
Jankovich, D.
Langston, R.
Lew, E.
Perch, J.
Plotnikoff, J.
Redman, P.
Sherwood, J.
Tycho, S.
Thomson, A.

Temporary, Part-time and Consultant Staff

Atamanenko, G.
Crawshay, P.
Gram, G.
Holisko, G.
Hooson, V.
Johnson, K.
Lewis, T.
Munn, E.
Sawicki, J.

Intended Structure (after a period of shakedown)



JUNE 1973

As Commissioners Envisaged
Staff to develop.....
.....in time

LEGEND FOR PROPOSED AGRICULTURE RESERVE MAPS

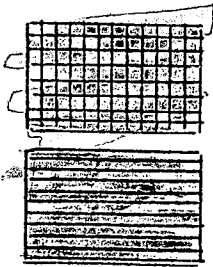
June, 1973



Proposed Agriculture Reserve

Criteria used are as follows:

- (1) All land capability for agriculture classes 1-4 included except where they comprise small units within present subdivisions, or where they are units with components of Classes 5, 6 and 7 which makes commercial agricultural use difficult. In ranching areas where grazing lands are an integral part of the beef production units Class 5 and 6 lands capable of use for spring and fall grazing were included in the reserve.
- (2) Proposed reserve boundaries are soil-climate oriented and do not usually follow legal lot boundaries.
- (3) Small isolated pockets were most often not placed in the reserve although in some instances where numerous pockets of Class 1-4 existed in large units of dominantly 5 or 6 they were included in the proposed reserve, especially in areas with excellent climates.
- (4) Some Class 5 lands were included where they were in close association with Classes 1-4 and most often formed parts of production units. Often these were Class 5 because of high water tables, or flooding hazard and not particularly suitable for other uses (especially urban).
- (5) These map units were checked and generally agreed to by B.C.D.A. agriculture representatives. General viability and suitability in terms of various agricultural uses were considered.

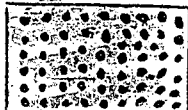


- existing subdivisions (mainly 2 acres or less).

- If urban expansion is necessary (residential, industrial, commercial)
- (a) fill in existing subdivisions to encompass as little high capability agriculture land as possible and to project expansion or urban areas in the direction of least ecological hazard. Regional plans should consider the need for green belts (including small pockets of agriculture, parks, etc. in these map units).
- (b) expand on lands with ecological characteristics most suitable for urban expansion. Characteristics considered are general soil and climate, soil stability, bearing strength, compressibility, presence or absence of high water tables, flooding hazard and land capability for agriculture.



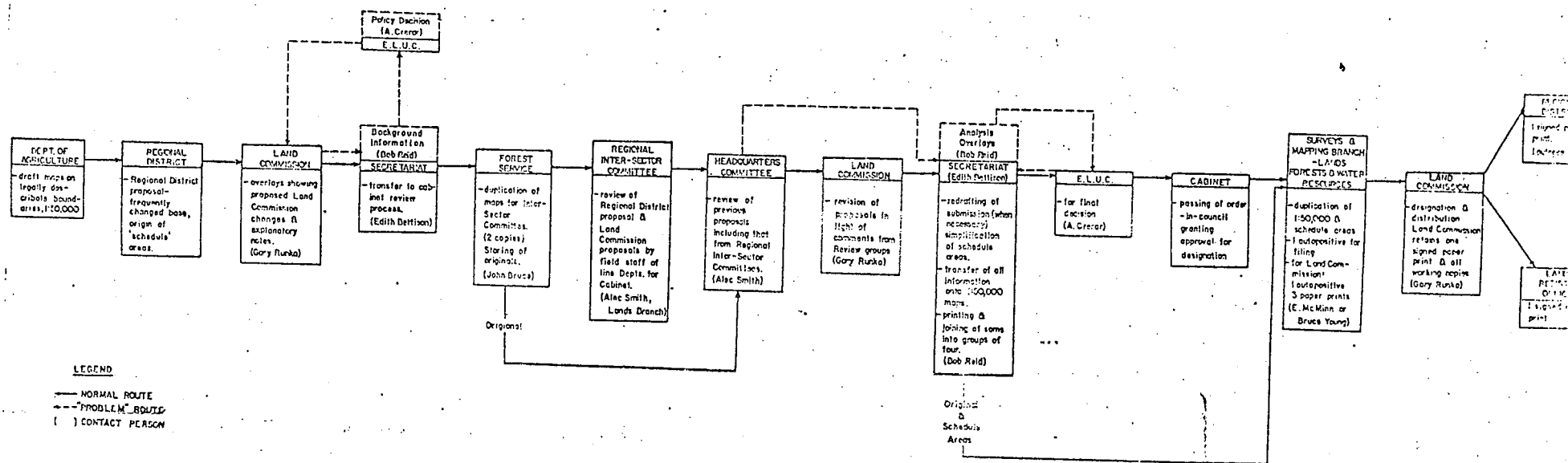
Agriculture reserve mixed with frequent urban pockets. Good agricultural land intermixed with urban development. Areas require more detailed definition on a regional basis.



Suggested conservation areas closely associated with agriculture reserves.

- includes such things as prime wildlife winter range, waterfowl habitat, shoreland recreation areas, existing parks, lands suitable for local parks, viewpoints, unstable soils not suitable for urban or agricultural use.

ROUTING OF AGRICULTURAL LAND RESERVE PLANS



NEWS
PAPER
CLIP
AKR

DOES
THIS
AFFECT
You?

HERE IT IS!

THIS IS BILL NO. 42

LAND COMMISSION ACT

— Presently up for second reading as proposed by the Government.

Please read it carefully as, if passed, it may affect you, your children and your children's children, forever!

It affects every square inch of land in British Columbia, NOT just farmland!

HON. MINISTER OF AGRICULTURE

BILL

No. 42. LAND COMMISSION ACT 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. In this Act, unless the context otherwise requires, "agricultural land" means land designated under section 8; "commission land" means land acquired by the commission for purposes of this Act; "farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council; "green belt land" means land designated under section 8; "land" includes any estate or interest in land; "land bank land" means land designated under section 8; "minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act; "park land" means land designated under section 8; "regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act; "reserve" means a reserve of land established under section 8 of this Act.

Commission established.
2. (1) There is hereby established a commission to be known as the Provincial Land Commission (hereafter referred to as the "commission") consisting of not less than five members appointed by the Lieutenant-Governor in Council, to hold office during pleasure, and upon their appointment the members constitute a corporation and shall be the directors thereof.

(2) Each member shall be reimbursed for any reasonable travelling or out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine.

(3) A majority of the members present at any meeting of the commission constitutes a quorum.

Chairman.
3. The Lieutenant-Governor in Council shall designate one of the members as chairman and one other member as vice-chairman.

Agent of Crown.
4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property.

Staff.
5. (1) The commission may, pursuant to the Civil Service Act, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the Civil Service Act applies to him.

(3) The Lieutenant-Governor in Council may declare that the Civil Service Superannuation Act applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration.

By-laws, etc.
6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the procedure to be followed at the meetings, and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them.

Objects and powers
7. It is the object of the commission to

(a) preserve agricultural land for farm use;
(b) encourage the establishment and maintenance of family farms, and land in an agricultural land reserve, for a use compatible with the preservation of family farms and farm use of the land;
(c) preserve green belt land in and around urban areas;

(d) encourage the establishment and maintenance of land in a green belt land reserve for a use compatible with the preservation of a green belt;
(e) preserve land bank land having desirable qualities for urban or industrial development and restrict subdivision or use of the land for other purposes;
(f) encourage the establishment and maintenance of land in a land bank land reserve for a use compatible with an ultimate use for industrial and urban development;
(g) preserve park land for recreational use; and
(h) encourage the establishment and maintenance of land in a park land reserve for a use compatible with an ultimate use for recreation;
and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with any other department of Government or with a municipality or regional district to:

(i) purchase or otherwise acquire land, on such terms and conditions as the commission may consider advisable, and hold such land for the purposes of this Act;

(j) dispose of, by sale, lease, or otherwise, commission land and Crown land that is in an agricultural land reserve, a green belt land reserve, a land bank land reserve, or a park land reserve, or Crown land acquired under the Environmental Protection Act, subject to such terms and conditions as the commission may determine;
(k) accept gifts of land subject to such terms and conditions as the commission may determine;

(l) acquire and hold personal property and dispose of personal property acquired by sale, lease, or otherwise; and

(m) if authorized by any other Act, purchase or otherwise acquire, hold, administer, and dispose of land, including Crown land, for purposes of that other Act.

Designation of reserves
8. For the purposes of section 7, the commission may

(a) with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is suitable for farm use, as agricultural land;
(b) designate land, including Crown land, the present condition or future potential of which merits preservation by reason of its aesthetic quality or its location in or around urban areas, as green belt land;

(c) designate land, including Crown land, having desirable qualities for urban or industrial development or redevelopment, as land bank land; and
(d) designate land, including Crown land, having desirable qualities for, or future potential for, recreational use, as park land;

and, upon being so designated, the agricultural land, the green belt land, the land bank, or the park land is established as

(e) an agricultural land reserve; or
(f) a green belt land reserve; or
(g) a land bank land reserve; or
(h) a park land reserve.

as the case may be, and shall be subject to this Act and the regulations.

Deletion from reserve
9. The Lieutenant-Governor in Council may, by order, exclude any land, whether Crown land or private land, from the reserves established under section 8.

Agricultural land reserve
10. (1) No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the Land Registry Act, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title, to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the Land Registry Act shall note on every certificate of title of agricultural land heretofore issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), the commission may, in respect of any agricultural land that is an agricultural land reserve, register a caveat in the appropriate Land Registry Office restricting the agricultural land described therein to farm use.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose,

(a) no municipality, or regional district, or any authority, board, or other agency established by or for the Government of Canada, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon that is not for farm use, or for a residence necessary for farm use;

(b) no person, designated or appointed under the Local Services Act, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon that is not for farm use, or for a residence necessary for farm use;

(c) no approving officer under the Land Registry Act and no approving officer or Board of Variance under the Municipal Act shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and

(d) no Registrar of Titles under the Land Registry Act shall accept an application for deposit of a plan of subdivision under the Land Registry Act, or under the Strata Titles Act, or under the Real Estate Act, all or part of which consists of agricultural land in an agricultural land reserve.

Exemption
11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title under the Land Registry Act, less than two acres in area.
(2) Where a use of agricultural land that is within an agricultural land reserve

(a) is a use other than farm use; and
(b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and

(c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use;

that agricultural land is exempted from section 10 unless and until

(d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or
(e) any other Act, regulation, by-law, order, or any other law of the province after the twenty-first day of December, 1972, prohibits such use; or

(f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.

(3) Where agricultural land, exempted under subsection (2), is sold, leased, transferred, transmitted, or otherwise disposed of, this Act and the regulations thereupon apply to that land, except as otherwise permitted by the commission.

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsections (1) and (2) of section 10, and may grant or refuse permission for a use of the land other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5), the decision of the commission is final and no appeal lies from that decision.

(5) An owner of land aggrieved

(a) by an order or decision of the commission refusing permission under subsection (1) or (2) of section 10 or under this section; or

(b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (2) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the Summary Convictions Act respecting appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission.

Additional powers re agricultural land

12. With respect to agricultural land designated as an agricultural land reserve, the commission may

(a) make agreements with the owners of agricultural land respecting continued farm use of the agricultural land upon such terms and conditions as may be agreed;

(b) carry on farming operations on commission land or agree with other persons to do so;

(c) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the prior approval of the Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the Land Act;

(d) dispose of agricultural land owned by the commission with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine; and
(e) subject to the approval of the Minister of Finance, or of the Minister of Municipal Affairs, as the case may be, establish a system of tax incentives to encourage the dedication of privately owned agricultural land to permanent farm use, and to increase the agriculture productivity thereof.

Capital improvements
13. The commission may make, place, or construct on or bring on to, or cause to be made, placed, or constructed on or brought on to, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought on to any commission land by any person.

Taxes
14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes.

Fees
15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and evaluations of land, and for copies of documents of the commission.

No right to compensation in respect of reserve land
16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve, green belt land reserve, land bank land reserve, or park land reserve.

Agreements
17. For the purpose of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

(a) the Government of Canada;
(b) a municipality;
(c) a regional district;
(d) an agent of the Crown; and
(e) any other department of Government.

Reports
18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

(a) a report respecting the operations of the commission for the immediately preceding fiscal year;
(b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

Regulations
19. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith; and every regulation shall be deemed to be part of this Act and has the force of law; and, without restricting the generality of the foregoing, the Lieutenant-Governor in Council may make regulations and orders

(a) respecting the designation and approval of agricultural land reserves, and the designation of farm use;
(b) respecting applications to the commission for permission under section 10 and section 11, and the practice and procedure for hearing the application;

(c) respecting the appraisal of land and the acquisition, by purchase or lease, of land;
(d) respecting applications for sale or lease of commission land or personal property, or Crown land that is in a reserve, and the terms and conditions of sale or lease;

(e) respecting the management and control of commission land;
(f) prescribing the method of determining the eligibility of applicants to lease or purchase commission land;

(g) prescribing the interest payable in respect of purchases from the commission or arrears of rents;
(h) providing for varying, waiving, postponing, or rescheduling of interest or rent or the payment of interest or rent; and

(i) respecting any other matter required for carrying out the purpose of the Act.

Application of other Acts.
20. (1) This Act is subject to the Environment and Land Use Act, and the Pollution Control Act, 1967, and the Environmental Protection Act, but otherwise, except as provided in this Act, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, department of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) Notwithstanding the Land Act or any other Act or law, the commission, as agent of Her Majesty in right of the Province, shall administer as commission land all Crown land that is designated under section 8 as reserve land and Crown land under the Environmental Protection Act, and may sell, lease, or otherwise dispose of any portion of such land in accordance with this Act upon such terms and conditions as the commission may determine.

(3) Notwithstanding subsection (1), where Crown land that is designated as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use of agricultural land than those provided by this Act and the regulations is not, for that reason alone, in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the Companies Act does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the Companies Act apply to the commission, and those provisions thereupon apply to the commission.

Appropriation
21. (1) For the purpose of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the commission, an amount not exceeding in the aggregate twenty-five million dollars.

(2) For the purposes of this Act and the establishment of green belt land reserves, land bank land reserves, or park land reserves, the Minister of Finance may pay under the Green Belt Protection Fund Act or the Accelerated Park Development Fund Act, or any other Act that authorizes moneys to be paid for such purposes, such amounts as he may consider necessary for the purpose of this Act.

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

Commencement
22. (1) This act, excepting this section, comes into force on a date to be fixed by the Lieutenant-Governor by his proclamation and he may fix different dates for the coming into force of the several provisions of this Act; and the date of the coming into force of any of the provisions of this Act may be declared to be before or after the enactment of this Act.

(2) Where the date of the coming into force of any of the provisions of this Act is prior to the enactment of this Act, that provision of the Act is retroactive to the extent necessary to give full force and effect to that provision on, from, and after that date.

(3) This section comes into force on Royal Assent.

EXPLANATORY NOTE

The purpose of this Act is to establish a Provincial Land Commission to set up and control reserves of agricultural land, green belt land, land bank land, and park land.

(This statement is submitted by the Legislative Counsel and is not part of the legislation.)

The Okanagan Mainline Real Estate Board. Prior to any Amendments being made, to inform the Public as to the contents of this Bill.

T
O
D
A
Y